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'49

THE GOLD-SEEKER OF THE SIERRAS

BY

JOAQUIN MILLER

AUTHOR OF "MEMOIR AND RIME," "SONGS OF THE SIERRAS," ETC.

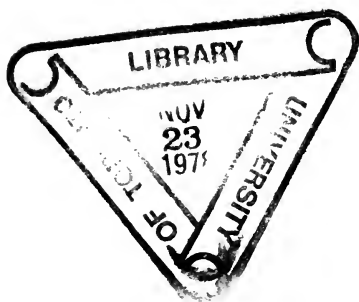
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DEDICATED
TO
MY FELLOW ARGONAUTS OF
'49



PREFACE.

AT the great Centennial dinner of the Association of Forty-niners on the Fair Grounds in Philadelphia, I read a portion of my drama, *The Danites*, and won the thanks of the Association for the portrayal of earnest manhood "in the brave old days of '49." But General Sutter, the discoverer of gold, who presided on this occasion, insisted that the old man "'49," whom he knew and loved, was worthy not only of the leading place in a drama, but a whole volume to himself. I then and there promised to do the desired work. General Sutter furnished me subsequently with many additional notes and facts concerning his singular valor, his dreary years in the tunnel—the first in California—and his final good fortune.

I wrote the story and the drama of "'49" as soon as possible after my promise to do so. The drama is placed in the archives of the nation at Washington; so that those who come after us may see the Argonauts as they really were, not as represented in the dime novels and third-class theatres. The story of "'49" was published in Bret Harte's *Overland Monthly*. But its publication brought out additional facts—aye, romances in part maybe

—from many old miners of the Sierras ; so that the story is now thrice its original length. And yet it is far too short—so short that it is necessarily crude and cramped and unpolished. But bear in mind the characters themselves were rugged, strong, and hard to master. They partook something of the savage splendor of Nature about them, and remained to the end like their majestic mountains—abrupt, broken, and untamed. Yet if the gold is in the mountains the true miner will find it, without road or guide. The readers whose love I cherish, and shall retain to the end of my toil, will follow me through and find the gold, careless of all the rugged ways ; for they know well that Parnassus's self is savage-fronted.

JOAQUIN MILLER.

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'49,

THE GOLD-SEEKER OF THE SIERRAS.

CHAPTER I.

“WESTWARD, HO!”

The heart of woman is like the heart of my Sierras—some find gold there, and some do not. Much depends on the prospector.

THE years 1849–50–52 found that vast region known as the Upper Mississippi Valley one great camp. The settlers had poured in from the four parts of the world in a war of conquest. Hard and bitter was the unequal fight with the savage elements of the new lands. When the cyclones swept over and buried the little villages in that early day, no telegraph heralded the settlers' sufferings over the world, and brought back substantial sympathy. Silently each hardy soldier stood in line, and thousands fell at the post of duty. Disease, cold, heart-sickness, each more terrible than the prowling Indian on the border, laid hard hold of the silent and patient pioneer. I know that legions died. I know that all suffered, and suffered terribly; but I never heard one person complain.

Nearly half a century has passed. The pioneer of this

great valley has gone forever. The wheels of progress have rolled over his grave, and levelled it with the fields of golden grain. The silent and hardy pioneer has passed into history. Let the historian do his work as bravely as did this unique character, and the pioneer will stand out on the page a nobler and grander hero than any figure in the Spanish Conquest.

In the old Greek days the heroes beat upon their shields with lance and sword, and, standing up before the world, loudly proclaimed their deeds, their valor, their victories, their suffering, and their sorrows to all who could be induced to listen. Homer's heroes, the heroes of the stage—and, indeed, heroes of all dramas, from that day to the present—have been so disposed ; a loud and pretentious lot. But the American hero is a silent man.

Make a note of this. It is the line that is to distinguish the heroes of the Old World from the New. This distinction is to mark the American drama, the American literature, from that of the Old World. Grant used but two words at Vicksburg—"Unconditional surrender."

But to return to this vast camp, teeming, surging in the mighty Valley of the Mississippi.

My father, who was the schoolmaster of the little settlement where dwelt the remarkable man who has since become known to the world as "'49," was splitting rails in the woods one Saturday afternoon, near his log-cabin, when this tall, strong young neighbor, rifle on shoulder and squirrel in hand, came hurriedly through the thick wood and stood suddenly before him. There was a strange light in his bright black eyes as he spoke :

"Squire, they've found gold away out yonder—six months' journey away. Gold, squire, gold in the banks

of the rivers, in the beds of the rivers, in the ground everywhere ! ”

The man brought the breech of his gun solidly to the ground, throwing down his squirrel and pushing back his coonskin cap as my father straightened up from his work and stood before him.

He looked tall and as hardy as the trees about us. He clinched his fist emphatically, and throwing it out toward the far, far West, in the supposed direction of the gold fields, continued :

“ And I’m going there to get gold for Mary and my kid Charlie, squire—get gold for ’em, and get out of this fever-and-ager land. ”

And then this tall, dark man and my father sat down on a “ rail-cut ” together, and talked almost in whispers for a long time. The squirrels chattered overhead and leaped from branch to branch, but the man with the gun did not heed them. I and my two little brothers left off building our bark-house in the hollow stump, and stood close about our father’s knee to listen. This young man, Charles Devine, was our nearest and dearest neighbor. He had a young wife, beautiful in soul and body as himself. Then there was the little boy-baby lying on its back and crowing in the cradle. These he would leave behind for a year—only one year, at furthest—and boldly strike out for the far gold fields of California.

As they talked together, I heard him chuckle with delight as he spoke of soon returning with a great bag full of gold-dust, and of pouring it all out in the cradle about the chubby feet of his fat, crowing little baby-boy.

“ Only a year, squire. You see, if I don’t strike it by that time, of course I can come back and wrestle with the woods here ; and shake with the ager, too, if I must.

Yes, Mary is willing, and brave about it, too. Oh, of course she'll cry a bit—women are that way, you know, squire. But I'll put in the garden truck before I start next spring, you know. And then she always milks the cow herself ; and as the bit of land is paid for, and the cabin safe and solid, roof and cellar, why, of course Mary—Mary won't—”

The man's voice began to tremble a bit here, and, making believe that he suddenly saw a squirrel in the boughs above, he again took up his gun and found diversion for a moment in trying to get a shot ; and then he soon went away.

But he had stayed long enough to give my father the fever also, and before the next spring he, too, was yoking up oxen, cows, calves, anything that could draw, and preparing to fall in with that greatest caravan which the world has ever witnessed.

On the seventeenth day of March three covered wagons, drawn by long lines of yoked cattle—old, tried, and patient steers at the wheel and in the lead, with bellowing cows and kicking calves between—drew up before our cabin to take in the little family, the provisions, and the few household goods that were worth transportation.

It had been arranged, after all, that Charles Devine was to go with my father as one of his men ; and so it chanced that, when all were ready to start, I went over with him to his cabin, when he went to say good-by to Mary, to take her a little present from my mother.

There was a bright hickory-bark fire blazing on the hearth, for there was frost in the air, and the wind blew keen and cold. The little baby-boy lay crowing good-naturedly and carelessly in the cradle.

But the young wife's heart was full and almost ready

to burst, although she attempted to smile as we entered.

“Well, Mary, my gun and—and belt.”

She took the rifle from the buck-horns over the mantelpiece and put it in his hand. Then she took down the shot-pouch and powder-horn, and, as he stooped a little, put them tenderly over his shoulder. After that she took the belt, with its big sheath-knife, from off the bedpost back in the corner of the clean and tidy cabin, and, reaching about his waist, buckled it there silently.

“Good-by, Mary ; good—good—”

But she had turned suddenly, and, leaning her elbows on the mantelpiece, with her face in an upturned palm, the tears ran down like rain, and her lips quivered so and she trembled so that she did not dare try to speak at all.

And then the man backed toward the door by the cradle, and, holding his gun in his left hand, he reached the other down to the baby. The playful little thing did not dream of care, or trouble, or separation, and with its fat fists doubled, it crowed in his face and kicked up a chubby little foot. And so the man smiled through his tears, and shook that little foot for farewell. Then he hurried through the door, and did not look back. But I, close at his heels, saw over my shoulder that Mary still stood at the mantel, motionless, voiceless, the picture of despair.

The dog came out of the kennel in the corner of the yard, and laid a cold nose in his master's hand as we hurried away, and then went back.

And so the good-by was over. And the stolid oxen in the lead were turned resolutely to the West, and we rolled away in the wake of the setting sun.

CHAPTER II.

OVER THE PLAINS.

We climbed the rock-built breasts of earth !
We saw the snowy mountains rolled
Like mighty billows ; saw the birth
Of sudden dawn ; beheld the gold
Of awful sunsets ; saw the face
Of God and named it boundless space !

It was nearly a month before Devine spoke of his wife and baby, and then it was in half whispers to my mother, as we were camped on the banks of the Missouri River, binding rafts to carry us over.

How he dwelt on every little detail of that separation ! Mary leaning there against the mantel, with the tears raining down, not saying one word ; the little boy crowing in the cradle, kicking up his little chubby foot in his face ; the faithful dog stealing out to lay his cold nose in his hand, and then back to his kennel, as if he knew his place was at Mary's side.

Oh, it would take a full book to follow Devine in his quiet talks to my mother, by the camp-fires of the tall and silent woman he had left leaning there by the mantel, and that little boy-baby that had thrust up a little foot in his face when he should have given his hand !

He would not talk to the men of Mary. He would not even mention her name to them. Sacred silence ! And yet all his tender talk to mother of her and the baby was brimful of hope and perfect confidence that all would be well in the end.

“Only a year, marn—only one year, squire, and I’ll be by her side as she stands there leanin’ by the mantel-piece, gold or no gold. And I’ll snatch that baby up out of the cradle and toss it up to the rafters. The rascal ! to reach me a foot when he ought to have reached me a little fist !”

And here the voice would drop very low and tender, and the head would turn aside, and the man would seem to think of something to do, and so get up hastily and go out and away by himself.

What a multitude ! An army ! The world will never approximate an adequate idea of that mighty flood that burst out over the confines of the border and flowed on toward the distant West.

I say flowed *toward* the far, far West advisedly ; for that mighty flood never reached the Pacific. It sank down in the deserts. There was no chronicler then to take note. Statistics were unknown. For seven months’ incessant journey we were rarely out of sight of new-made graves, and at some camps it was difficult to find room for the tent because of the graves !

Little towns have taken their places now, and no sign of these graves is to be seen. But oh, the sickness !—the cholera !—the fevers !—the heart-sickness !—the despair !

And steadily the mighty caravan moved on. Sometimes the whole Plains seemed one vast sea of covered wagons ; then sometimes we would be left in camp with no one in sight but our own little company.

I recall, on one memorable Sunday morning, the tall, silent figure of Devine in battle. We were camped on the headwaters of the Colorado. He had thus far escaped all maladies, and was the most hardy and efficient of men. But the fearful scenes around us had

made him now even more silent and reserved than ever, and he rarely spoke to any one but my mother.

Our train was known on the Plains as the "Sunday train;" for, under the lead of my pious father, we would not, under any circumstances, travel on Sunday. This, of course, delayed us, subjected us to much inconvenience, and provoked the derision of irreligious companies. But my father was a determined man. He had set out to live as a Christian on the Plains, and he would have filled one of the ten thousand graves by the wayside rather than for a moment have departed from this purpose.

On this Sunday morning prayers were not yet over when a band of mounted and half-nude Indians came like a whirlwind over the sandy eastern hill. They had been fired upon by a neighboring camp of reckless whites and were furious.

My father laid down the Book, and, beseeching all to remain behind, went out to meet the savages, and, if possible, pacify them. They circled about the camp, yelled, leaned from their horses, caught up sand from the ground, threw it mockingly at my father, and finally discharged a volley of arrows into the neighboring camp.

In a great hurry, and without his hat, my father rushed back into the corral, where he met Devine, already armed and at the head of the men, and going to the assistance of those in trouble.

When my father, who never fired a gun in all his life—for he was a Quaker so far as doctrines of peace go—saw that two men had been shot down and others slightly wounded, he looked at Devine, and said, sharply:

"Let 'em have it, Charlie, if you must!"

There was a volley from our men instantly, but not a

single savage unhorsed. The Indians leaned so far on the other side of their horses that they were hard to hit. However, in the next volley the horse of the great black chief was fatally shot, and came flying right in the teeth of our men.

A little way from our corral of wagons the horse sank down in the sand, and the great, hairy, black, and nearly naked savage lay there, with one leg fastened under his dead horse, helpless. He was unarmed, and a dozen rifles pointed at his breast.

Over his shoulder he threw some hot, fierce words of command to his followers, and, with a final Parthian shower of arrows, they disappeared as they came.

Then the mighty savage raised his hand to his mouth, and gave such a whoop of defiance as no man now can give.

Devine looked at his men, and then at my father at the door of the corral. No one of the men ventured to kill the defiant savage, and my father did not intercede to save him. Why? He was holding a dying neighbor in his arms, and trying to draw the feathered arrow from his breast. And so Devine raised his gun and shot the giant dead.

One of the men wound his hands in the wild man's hair, and thus dragged him into camp through the white sand. Then, when the sun went down, three dead men—Christians and savage—were laid in the hollowed white sand together.

Devine, the next day, as we moved on, was very, very thoughtful. He was even sad, and he remained so to the end of the journey.

His was a singularly sensitive nature. The great mystery of life and death, the dead men left back there in the burning sand of the desert, the black and hairy

savage with the blazing eyes that he had shot dead while he looked him in the face, eye to eye, soul to soul—all this made him profoundly thoughtful.

As we neared the Sierras the roads divided. Some men sought the mines and mountains ; others, of a more pastoral turn, desired the valleys and gentler pursuits. And so, at the base of this mighty wall, as if it were God's citadel guarding all Paradise, the last camp-fire was kindled.

We, the few survivors of the "Sunday train," were about to separate forever here in the sage-brush and burning sands of Nevada !

"You will go back to Mary soon as possible, Charlie?" said my father, as he held his hand.

"In one year, squire and marm, I'll see Mary. Of course, I thought it would only be one year from the time we started ; but, you see, it's been a seven months' pull, and here we are all tuckered out and poor as rats, and not a cent ; and so— But one year, squire, in one year I'll strike it and get back to Mary leanin' by the mantel, an'—an' the little baby crowin' in the cradle. Say, squire, you write her—write her a letter, school-master, for me, and say one year more and I'll see baby. Good-by—good-by !"

CHAPTER III.

TWO YEARS.

True valor knows not valor's name ;
True valor knows not of defeat ;
No thing in nature knows retreat,
But, cloud or sun, keeps on the same.

IF this and succeeding chapters of the biography of Charles Devine are not as realistic and photographic as are the opening, it is because I was no longer at his side, and had to depend largely on others for fact and incident concerning him and his. Yet his is not a phenomenal history at all. Were this so, I certainly should not trouble either myself or my readers with his story ; but I give it as a type of one of ten thousand.

My father, who settled far away to the north, and never saw Devine again, wrote the letter as desired. And it meant a great deal, this writing letters at that time.

As for Devine, he could not write at all—a not uncommon thing forty years ago. Boldly he pushed right into the heart of the Sierras near Downieville, and went to work at once with a zeal that bordered on desperation. He could scarcely take time to sleep. With the first splendor of the sun bursting over the mighty wall of snow about him, he was forth to his work.

He made few friends. He had little to say to any one. His thoughts were all on his wife. He could see Mary standing there weeping by the mantelpiece ; he

wanted to be back at her side to comfort her. He could hear that little boy crowing in his cradle. He wanted to go back and pour his bag of gold at the baby's feet, and then catch him up and toss him in his arms till he touched the rafters.

But the long, long journey across the boundless desert, the weary, weary tramp, tramp, tramp for more than half a year, had left the man weak as a child.

And then the gold was not as abundant as men had imagined. Besides, it cost much to live, and the winter was terribly severe. The water was all locked up in ice for long, unbroken months, and this man, so far from growing rich in the mines of California, was, in reality, becoming destitute—was hungry, starving.

He saw the seventeenth day of March come and go, while he sat by his cabin fire, snowbound and hungry, half clad and almost ill, in a mountain gorge of California.

The year was up, yet he was thousands of miles away, and not an ounce of gold in his empty palm. Soon, however, the warm winds came up from the southern valleys, and again the earth was appealed to for the golden secrets of her bosom.

A mine was opened in the cañon, and at the end of two months of prodigious toil, lifting up boulders that required the strength of a giant, building up walls that required the skill of an architect to make secure, toiling, sweating, starving, the man at last reached the bed-rock and began to find a few grains of gold-dust.

But oh, so few! It was enough to make his great heart fail him utterly, this niggardly recompense for all his toil.

But he kept on. What else could he do? There could be no turning back. In that early day it took

money as well as time to make a journey. He had not thought of all this. It had seemed to him that he could return to Mary at any time.

But now he knew too well how many thousands whose hearts had failed them were trying to beg their way back to the States. He could not make one of this melancholy band.

The flowers came out on the hillside, finally, and birds sang in the trees about his cabin. Things began to look more cheerful. He made up his mind one sultry Sunday afternoon that on the next Sunday he would go down to Downieville and get some one to write a letter to Mary, telling her that he had concluded to make a two-year task of it instead of one.

The mine in the cañon was deep, and promised well. Men who passed that way said it was only a question of time when he should strike it rich and get heaps and heaps of gold. As yet he had not one dollar in his purse. He was even ragged, almost naked. His food was still of the most frugal kind.

He laid great plans for the coming summer, however. He would get some flaming red flannel shirts, a great broad hat, top boots, and a broad belt soon. He would employ some strong man to help to wrestle with the great boulders in the bed of the cañon just as soon as he struck "pay dirt," and then he would get out all his gold before the return of snow and ice.

These were his dreams and hopes on that sultry Sunday afternoon.

Suddenly the sky grew dark. The birds about him ceased to sing. A little brown chipmunk, which he had trained to take crumbs from his hand, came scrambling up from the water side in the cañon and clambered to his shoulder.

Above him, to the east, the mighty pillars of snow stood out above the dark, rolling clouds, as if they were not of the earth. Then there was a great sigh of the wind; then silence—darkness. An awful sigh of the wind through the cañon again, and then a drenching rain burst upon the world!

The mine was as level as his cabin-floor the next morning. The squirrels were in the trees as before, the birds were even more musical than ever. But this man's shoulders were bowed as with a load that was more than he could bear.

Only yesterday Mary was not so far away after all—a matter of but two or three thousand miles. Now she was millions of miles away.

The white and eternal wall of snow to the east lifted like an inaccessible barrier, cold and forever impassable, between them.

He did not taste food that day. He did not taste food for nearly a week. His pick and shovel were buried twenty feet in the bed of the cañon, and his pocket and purse were empty. He did not taste food, because there was no food or money, or means of getting either, within his reach.

Some miners passing up the cañon by his cabin concluded to look in, for the place seemed deserted. A squirrel was shelling a pine-burr at the door-sill.

There on his bed of pine boughs in the corner lay Devine, ill, almost dead! Fever? Malaria? Hunger? Heart-starvation?

No matter. The man was sick—dying, it seemed.

It was midwinter before he was able to go back to his own cabin from Downieville, where the kindly miners had taken him to be cared for.

And what was there at that cabin to return to? The

man was loaded down, too, with a debt of obligation and honor that was heavy indeed. The second seventeenth day of March found this hardy and once-hopeful miner more despondent than did the first.

As the spring came on, having contrived, by working for others, to pay up his debts, he resolved, in despair, to leave this cañon, and seek a more congenial spot in or near a newer camp not far away, known as Sierra.

This illness and the obligations it had placed him under had proved doubly unfortunate. It had thrown him among generous but reckless men. He felt that he was bound to be social, and sociability in those days meant but one thing. And so, as he was now going away to a neighboring camp to try his fortunes there, what could he do, he thought, but take a farewell drink with those who had been so generous and true? Ah, that multitude which no man can number who have yielded to the same plausible tempter!

And so it was that all drank together again and again, and told their secrets to each other, and talked of rich mines, of returning home loaded down with gold, till they forgot the hunger, the cold, the rags, and the wretchedness of the mines.

For the first time in years Devine was really sociable, merry, glad.

Surely now, in this new camp, he would strike it soon, and then go back, loaded with wealth, and stand, a strange, bearded man, at Mary's side.

That night, in all confidence that it would be written and forwarded, he dictated a warm, hopeful, and even glowing letter to his wife and child.

With the morning's sun, a roll of blankets on his back, a pick and shovel on his shoulder, and with bearded face lifted hopefully to the snow-peaks of the

Sierras, Charles Devine set out to seek his fortune a little further on.

A little further on ! What old Californian has not heard that expression—heard it, felt it, lived it, till it became a part of his being ?

CHAPTER IV.

IN SIERRA.

My brave world-builders of the West !
Why, who hath known ye? Who doth know
But I, who on thy peaks of snow
Bake bread the first? Who loved ye best,
Who holds ye still of more stern worth
Than all proud people of the earth?

Yea! I, the rhymer of wild rhymes,
Indifferent of blame or praise,
Still sing of ye, as one who plays
The same old air in all strange climes—
The same wild, piercing highland air,
Because—because his heart is there.

LET us pass by these first few years in Sierra. They are so sad, so like the two years in the desolate cañon, that it would be a dreary and painful repetition to dwell upon them. I only want it clearly understood that this man whose biography I have undertaken to write did his best.

This camp of Sierra was now an old battlefield of giants. Mighty men came here, laid hand on the mountains, and tore them down. They led rivers over the hilltops, and uprooted whole forests with their hydraulics and mining engines. They fought nature face to face—these giants, these horny-handed, tall, and terrible men of '49.

A few survived. A few gathered up gold from the placers where it had been washed down the mountains, and turned their backs forever on the mines—old men,

made old in a single decade, gray and broken from toil and care.

A few, only a few, of those giants went back home. The others? Up on a hillside, where a new forest is springing up, and where the rabbits dance all the twilight, and the quail pipes all day, they have laid down to rest forever and forever. The boy with his shotgun avoids this little inclosure on the hillside, and steps high and hurriedly, and looks the other way, and perhaps whistles as he passes.

With two exceptions, the old forty-niners—all save the few that returned home—have gone up there on the hillside. High up in the sunlight, nearer the gates of God, and away from the noise and rush and roar of the mine, they sleep the eternal sleep.

These two exceptions were old “ ’49 ” and his friend, Colonel Billy. And then there are two old graves that are not up on the hillside. But they are down on a spur of hill that breaks from the steep and stupendous mountain, and lifts its rocky back between the cabin of old “ ’49 ” and the little town at the mouth of the mighty cañon.

A great dead oak lifts its leafless branches above these two graves ; the bark is dropping away and falling on the unnamed sleepers, and the long gray moss swings above them mournfully in the wind. This old tree died many, many years ago, when these two men died at its roots and were buried there. It ought to fall. It ought to have fallen long since. But no ; it lifts its long, bare arms on high, in mute and naked pity, lone and bald and white with age. But more of these two graves further on.

Nobody in Sierra knew “ ’49’s ” real name when he came, and so, as he was one of the heroes of ’49, they

simply called him "'49," as many others who had come thus early were called in other camps.

And whence he came no one knew or cared to know. Once or twice, when he first began to have his periodical sprees and was yet counted a bit respectable, he had, in a gush of confidence and tears peculiar to warm-hearted men when first intoxicated, told to a group of fellow-carousers a pitiful story about a lone loving wife and a beautiful boy-baby in a cradle, waiting for him far away. But as there were so many who had wives and babies waiting for them far away, there seemed nothing remarkable in this ; and, finding little sympathy, he locked up his heart and kept his secrets to himself thereafter.

But about this time, and before he had made any very fast friendship except with old Colonel Billy, then the lawyer of the camp, the event happened which put "'49" quite outside of all sympathy or association with his fellows.

Being a man of observation and thought, he had settled upon a theory as to the source of the rich deposits of gold which had made the camp famous, and had acted accordingly. It was his theory that a vein of gold-bearing quartz had crossed this cañon, or, more properly speaking, he had discovered that the little stream flowing down and forming the cañon had crossed a vein of gold-bearing quartz, and out of this quartz washed down the deposits of ragged and quartz-loaded nuggets that lay at its bed about the mouth of the cañon.

This was long before quartz-mining had been thought of.

Convinced of the correctness of his theory, he located his cabin a good distance up the cañon, and, having discovered a lead of white quartz running along the rugged, pine-covered back of one of the mighty spurs of the

Sierras, shooting down into the cañon, he began, alone and single-handed, with but little money, to drive a tunnel into this rocky spur, and try to pierce that ledge of quartz on the water-level.

The magnitude of this enterprise oppressed his mind and made him thoughtful. And then, being by nature a head and shoulders taller, mentally, than those about him, he soon found himself in some sort isolated from his fellows.

Besides that, there was something about this tunnel that the camp did not understand. They had never heard of such a thing at the time. What did the man mean? Did he have secrets of hidden treasure unrevealed to them? Men are distrustful of that which they do not understand.

But he kept on persistently, patiently, at his work. Then it began to be rumored that he was rich. And, indeed, why did he bore away forever into the earth if he was not making it pay?

Idlers of the camp began to speculate as to the probable amount of gold he had hidden away in that old cabin, that smoked and smoked perpetually alongside the trail under the pines on the rugged hillside, just above the muddy little stream.

Soon two well-dressed and rather respectable-looking strangers rode into camp, and began to make friends with the saloon-keepers and their patrons. They asked many questions about the hermit of the tunnel, and, along with the rest of the men, speculated largely as to the probable amount he had saved up from his work. It was computed to be an enormous sum.

Now it was that the sad event happened which made his isolation complete.

One night he was startled by finding two men climb-

ing down his chimney. He caught up his gun, which he kept all the time loaded with buckshot. Then, rushing out as the two men attempted to climb from the low, broad chimney by which they had entered, he fired as they tumbled from out the crater-like top, and filled them both with buckshot.

The next morning, as some miners came up the cañon from town to work their sluices, there, under a broad green oak by the side of the trail, and just on the summit of the ridge that rose between the window of old "'49's" cabin and the town, they found the two men, dead.

They had tried to creep back to camp. But they had only strength to drag themselves to the top of this rocky little ridge ; and there, under the oak, the one resting his back against it, and the other resting his head in the lap of his companion, the two men were dead.

On what slender things hinge the greatest consequences !

"He was a-holdin' of his head, as if to try to help him like ; and both stone-dead."

This was what Colonel Billy said, in a sort of husky whisper, to "'49," when he told him that morning in his tunnel ; for the hermit had not troubled himself further than to fire the fatal shots, and then to go back into his cabin and barricade his door, and wait the possible second attack. But hearing nothing further, he supposed the robbers, whoever they might have been, had decided that they had had enough. And not knowing that he had killed any one, possibly not really caring very keenly in this case, he had gone back to his tunnel to work as if nothing unusual had happened.

If the one had not crawled into the arms of the other ; if they had not tried to go back to town ; if they had

not died there by the side of the trail, under the great oak, on the top of the little ridge, and on the one pleasant spot in all the cañon, the camp might not have cared.

But "he was a-holdin' of his head, as if to help him like, and both stone-dead." And so the camp pitied these men. And as the camp pitied these men, it hated "'49." The camp said the men did not mean to rob him. The camp said they were jolly good fellows, who only wanted to frighten the hermit; and so it held him responsible for their deaths.

They dug two graves there, side by side, under the oak, in the rotten white quartz rock, and laid the two men in them, just as they had died.

Nobody knew their names, and so no names were carved on the tree. But it died all the same. Perhaps they cut some of its roots in digging the two graves in the bed of quartz.

The trail took a little turn after that at this point, and kept closer to the stream. We don't like to see a grave in our road. And yet we know quite well that every one of our roads will end in a grave.

The trail took a little turn at "'49's" cabin, too. Men did not want to meet a murderer face to face every day. And so the trail took a "cut off" at the ridge on which the cabin stood, a little further back from the stream.

No one made any open complaint whatever against this isolated man. But he was let alone. And he felt this fearfully. As men left him alone, he left men alone. The gulf between him and the world, you may be sure, did not grow narrower as years swept on.

The ridge that lifted between him and the town was like a mighty stone wall, that never could be scaled by him. But, worst of all, right on the summit of this lay

those two nameless graves. The white quartz that had been thrown out in digging them, and that was heaped high over the dead, did not settle and sink down out of sight. It did not turn gray or brown or crumble to dust under the marching feet of Time. It did not hide down behind grasses or weeds or bushes. But bald and white and ghastly it gleamed, in moon or sun, rising there in eternal testimony against him.

This cabin of his had but one window in its one dark and desolate room. That window had been made to look out down the cañon, over the ridge and town, toward the pleasant valley far away. This was the one lookout. But up before this started the two graves, like ghosts that never would go away.

Yet the man kept on patiently at his work. Now and then he had protracted spells of drunkenness. Perhaps he was trying to forget the two graves that glared in at him through the window. Or was it the tall and beautiful woman, leaning by the mantelpiece, and waiting and waiting far away, that he was trying so hard to forget?

He rarely went to town except on these unhappy occasions. The butcher brought him his meat when he ordered it, and the grocer brought him his bread when he had money to pay for it.

By this time he was computed to be enormously wealthy. In fact, the camp had grown so envious of his good fortune, and so eager to get at the secret of his wealth, that two enterprising rascals, Gar Dosson and Phin Emens, had secretly started a tunnel from the other side of the steep, rocky ridge. They were perfectly certain he had found an enormous deposit of gold. Would a man work away there alone five, ten, fifteen, twenty years for nothing?

About this time a little girl—a starved, pinched, piti-

ful child—was found roaming about camp with an Indian woman, who claimed her as her daughter ; though she did not look at all like an Indian. This child would sing or dance, or do almost anything to amuse the miners and earn bread and money for her mother.

They went from cabin to cabin. They came to the cabin of old "'49," and, without suspecting that they were doing anything unusual, entered, as he sat there looking out of the window at the two white spots on the ridge.

The desolate man started to his feet. No one save himself and Colonel Billy had crossed that threshold for nearly a quarter of a century. At first he was angry—very angry. And then he was glad—very glad. His heart went out to this little girl. He was so glad they had not heard about the dead men. He had grown morbid during all these years. He feared some one might tell the child, and make her shun him. And so he treated her with all the tenderness of a father.

By and by she disappeared. This nearly broke his heart. They had been such friends. At last he found that she, with her mother, had been taken to the Indian Reservation—to the Reservation to die ! For the first time in more than twenty years this singular man fastened up his cabin and went away. He bought a horse in the valley, and rode night and day till he reached the Reservation.

The mother was already dead—if mother she was—and the child dying. He took the little skeleton in his arms, hid her under his blanket, skulked through the post to where his horse stood tethered, and, mounting, bore the dying creature back to life and health in the mountains.

Soon a smoke was seen curling up from "'49's" cabin in its old tired fashion, and the miners knew he had

come back. It was a matter of indifference to all, of course. Men spoke of the fact only as folks speak of the weather.

"'49" had said to Colonel Billy one evening as this child stood between his knees :

"Why, Billy, she is twenty carats! Yes, she is twenty carats fine, Billy!"

But old Colonel Billy, who had less sentiment than whiskey in him, only called her "Carrots" in answer to the eulogy of his friend; and so "Carrots" she was called by the camp after that. But "'49," with loving adroitness, succeeded sometimes in twisting this name into "Carrie."

By this time there had come into camp a certain, or, rather, uncertain, old woman with her daughter; and, later, they were employed at the saloon of Gar Dosson, to decoy miners to the gaming-tables and the bar.

And yet it was whispered that the girl was not the daughter of "Old Mississip," as the woman was called, but that she was one of the survivors of the Mountain Meadow Massacre, whom the old woman for a trifling present had purchased from the Indians.

Socrates, perhaps the wisest of the wise fools of old, said that the only wholly happy being is the convalescent. In this truth I find an explanation for the unaccountable calm and tranquil tenderness that now took possession of Carrie. After the terrible scenes just passed, one would say that she should have wept herself away and died of grief. On the contrary, she never spoke of the past, or seemed to think of it at all. Day after day she grew stronger, and day by day took longer walks up the steep hillsides to gather wild flowers for "'49," and such fruits and roots as the ground and bushes bear in that altitude.

One evening, as "'49'" came home from his tunnel, where he now worked incessantly from dawn till dusk, he saw a man stooping and stealing away, in the twilight, from the low window of the cabin. Who was this man? And what did he want? Was it the gold which he was supposed to possess, or the girl?

There was a battered old bulldog, with three legs, a hare-lip, and no ears or tail to speak of, down on Butcher's Flat.

This dog was old, and seemed almost useless now. But he had been terrible in his day. At night he had been used for years as the one and only watch at the express-office, where he slept, or pretended to sleep, with only one eye shut, on a heap of gold dust as big as a Mexican's wash-bowl. By day this enormous brute had been used by the butchers to catch and throw Mexican cattle.

But now that the glory had departed from the camp, and the gold and the butchers with it, the old and ugly bulldog became a sort of pensioner, limping like a neglected soldier from door to door, eating the bread of charity.

"'49'" went down and got the bulldog and brought him into his cabin. A great leather collar was buckled about his neck, and a heavy log-chain bound him to the bedpost.

The old dog liked this. He knew that this preparation meant war; and he was fond of battle.

He became as savage as a hunted grizzly. Let even a rat cross the roof, or rasp the boots or tin cans around that cabin, and the old warrior would be in arms in a moment. If a stranger neared the place, he would roar like a Numidian lion. Yet to the two inmates of this dark, low, and ever-stooping cabin, he was tenderness personified.

The man and the young girl were drawn closer together now than ever before. In the tranquil twilight, after his hard day's work in the tunnel, he often hinted at vague bits of his own life ; of a wife left behind, of a little baby-boy in the cradle. Ah, yes ! he would see that baby sometimes, " when he struck it in the tunnel," the old man would say, with a sigh, at the end of his story, as he knocked the ashes out of his pipe.

He seemed to think he would still find that baby in its cradle. Years and years had passed, but still it was only a baby to him. And why had he not returned ? Why had nearly a hundred thousand men in those mountains never returned ?

He told her of a promise made his wife at marriage. It was that each should on Christmas Eve sing a certain song, and so think of the other. No matter where they were or what transpired, they would each, at the moment of midnight, begin this song.

This explained to the girl why the old man had at the very first taught and made her sing a certain old song on Christmas Eve. And now she, too, became confidential, and began to tell a story of the desert, of murder, and scenes too terrible to dwell upon. But when the old man looked at her sceptically, and shook his head, she stopped and said, " Perhaps, after all, it was only a dream," and never mentioned it again.

And so the first few months after the return from the Reservation were very tranquil—calmer, higher, holier than any of the former days.

But this did not last. The man must go to town to get his pick sharpened and his drills hardened. The result is easily guessed. He fell into his old ways. Soon Carrie was seen once more among the rough men late at night, helping, coaxing, comforting the tottering old

man, and trying to get him back to the cabin. Then the hard and heartless ones began again to banter and bully her ; and as of old, when but a child, she answered back, and often gave as much as she received. She, too, was fast falling back to something harder than her hard life before.

Dosson and Emens watched every word and action of " '49." They were still certain that he was a miser, with hundreds of ounces of hoarded gold, and they drove their tunnel on their side of the ridge straight for the centre with all the force and energy that their strong arms could command. Soon " '49" came to know of this. He was almost wild with rage. Then he wept like a child.

" Only to think ! After nearly twenty-five years !" he said to Carrie. Then he went on a protracted spree, from which the girl reclaimed him only after a long and patient effort.

Dosson and Emens were now men of importance in the camp. They had opened a grocery and gambling-saloon. This soon was the headquarters of the camp, and all the miners gathered together and gambled here.

And " '49" came here also. Yet between himself and Dosson and Emens there was at best only an armed neutrality. Old Colonel Billy, the bosom-friend of " '49" in all his unhappy carousals, was accustomed to shake his head and say, solemnly, that some one would " die with his boots on" yet, and that it would not be " '49."

And who was Colonel Billy ? A man who had never been known to refuse a drink in his life—a true Californian. He was also a very old and a very rickety man. He had once been a great lawyer, and had pulled many of the boys through after one of their periodical

rows. But Colonel Billy had come in the spring of '50, and so stood only as a sort of lieutenant to this old veteran general who had come in the fall of '49.

But perhaps these are distinctions that only Californians can understand.

How these two old men loved each other! Was it because they had nothing else to love? Was it because the world had gone on by the other way and left them standing here alone like two storm-blown pines on a windy hill, that they leaned toward each other? I do not know; but I like to see the love of old men. Like to see it? I revere it. It is the tenderness and the holiness of a Sabbath sunset.

Dosson and Emens, as I have said, worked in their tunnel by day. By night they looked after their drinking and gambling den. They did everything to make it popular for "the boys," and they got monstrous old "Mississip" to deal faro for them.

This old woman's daughter was almost as coarse and heartless as her wretched old mother. "And that is putting it pretty hard on Belle 'Sip,'" said Colonel Billy.

Sometimes they had dancing in this "Deadfall." Women were scarce; and, indeed, it was impossible to get decent women to enter here. And so it was that Carrie was persuaded, almost pressed, into service. She danced well, and to the miners no evening seemed complete without her.

Gradually but certainly this little creature was sinking down into the mud and the slime from which "'49" had rescued her, and no hand reached out to hold her back. Now and then Dosson gave her a piece of money. He did not know that this went to buy bread for the old man, every cent of it, while she had not clothes to keep her from shame; but so it was.

CHAPTER V.

A FRAGMENT.

How stranger the half-hidden story !
How fairer the far stars of heaven
When seen through the clouds, tempest-driven,
With storms streaming over their glory !

THE events that follow were sudden and rapid in their changes. This makes them necessarily fragmentary, for I was not a witness of all. And so it is that I prefer to leave some things to the imagination of the reader rather than to draw upon my own.

It is a matter of record that one of the old French families of St. Louis—Creoles—was in that unfortunate train of emigrants who were set upon and slaughtered by the Danites, or Mormons and Indians, in what is known to the world as the Mountain Meadow Massacre.

At that time this family owned a piece of land on the outskirts of St. Louis. It was almost worthless then ; but in years it came to be of prodigious value, and eager search was made for the heirs.

The story ran, that out of the many children who escaped massacre, the dark, low-browed Belle " Sip," of Sierra, could be named as the heir.

Of course, this was only a vague rumor. But it was enough to inspire Gar Dosson—who had even made advances toward poor, ragged Carrie—with a singular regard for the dark, Creole-looking girl, and he paid eager court to her accordingly. Yet at the same time he

loved—if he was capable of love—the wild and wily little girl of the woods far better than he did the low-browed and sullen Belle. And Belle knew it, too—for women have a singularly direct way of going to the truth of such things—and so she hated and abused the little child-woman bitterly.

Meantime, in St. Louis, Judge Snowe, an old and able lawyer, was at work. He had suddenly become informed of the presence of this girl Belle, in Sierra, and was now about to send, with all speed possible, a young and enterprising confidential friend to find her out and inform her of her possible fortune and position in the world.

The young man, the confidential friend, Charles Devine, was the son of a widow (a California widow, so called; for her husband had gone to California, and had never been heard from afterward), and a bright young man, too, in some things. Yet, perhaps, he had in most things more heart than head. His mother, a pious gentlewoman, had a nameless terror of California; for had her husband not perished there? Hence she could not think of letting her son go on this expedition. But go he must, and so he had decided to leave without her knowledge of his destination.

On the evening fixed by the good-hearted though gruff old lawyer for his secretary's departure, a gayly-dressed young man entered the widow's humble home and asked to see her.

The door had been opened by a white-headed old negro, who lingered about and lifted his nose high in the air whenever he came near the young man, as if he sniffed some unusual odor.

This modern youth of fashion was the fast friend of Charles Devine, whom he supposed had just set out on his hurried visit to the heart of the Sierras. And

fast friend he was, too, in more senses than one. For the high boot-heels of Thomas Gully were often none too certain in their tread. He was now engaged in rolling a cigar between his thumb and finger, and fumbling in his pocket for a match. The old negro lolled about, wagged his woolly head, and put up his hands in silent protest.

"Where's your missus, Sam?" asked the visitor.

"Gone to prayer-meetin', sah."

"Gone to prayer-meeting, eh? Well, reckon I'll wait till she gets back. Here's a half dollar. Bring me a match."

The negro twisted, and hobbled about, and finally said, with hesitation:

"Gemmen don't smoke in a lady's parlor, sah."

The man merely smiled as he handed the servant his shining hat, after finding a match in his vest pocket and lighting it. Money had been appropriated at the Bank. He had come to accuse his fellow-clerk, the widow's son, and save himself, now that Devine was gone.

He puffed his cigar almost to a blaze, threw himself into a chair, and flung his legs almost as high as his head, laying them across the corner of the table and on the old family Bible.

The negro snatched the book away, almost upsetting the visitor in doing so.

"Want to make it more comfortable for your legs; thought de Bible might hurt your legs," observed the old negro, as he dodged a hymn-book and limped out of the room. As Gully sat arranging his faultless attire, Mr. Snowe, with Sam at his heels, entered the parlor. The old lawyer laid down his bag, and kept on talking to the negro.

"Not here, Sam? Why, he promised to meet me here; promised to be at home here, waiting for me."

"That old fox here?" muttered Gully, over his shoulder. "I feel like jumping through the window."

Again the old negro began to limp and stutter.

"I'm very sorry, Massa Snowe. But he is not here. P'r'aps dat gemmen," pointing to Gully, "know whar he is, Massa Snowe. He goes with 'im a good bit. Lor', I wish he war a gemmen," and he limped away.

"Ah, good-evening, Judge Snowe, good-evening. So delighted to see you," said the man of faultless apparel. "Yes, Charley has gone—gone suddenly to California. He could not bear to say good-by to his mother, so he sent me, you know, to say good-by for him."

The old lawyer picked up his bag and came toward his informant, gruff and crabbed. "But he has not gone. Only to-day he promised to meet me here, and he *will* be here."

"He will *not* be here. I saw him to the depot myself." As Gully spoke, Charley Devine, singing snatches of songs, entered the parlor.

"*You* back?" cried Gully.

"Back again, like a bad penny," laughed Devine. "You see, Gully—you see, I was waiting there at the depot—hic—such a crowd! Well, while I was waiting there, I saw the game going on. All down! Down your bets! Monte! Faro! Roulette! Forty to one on the eagle-bird. Forty to one on the eagle-bird at roulette!"

At this Gully began to be interested. Devine did not as yet perceive Mr. Snowe.

"Well, well?" cried Gully, eagerly.

"Forty to one on the eagle-bird, just think of it! Forty times five hundred—twenty thousand dollars—and you in with me, you know."

"Why, he has won twenty thousand dollars," thought Gully. "A fool for luck! By the holy poker, that will just make up the loss of the bank. We were both in together, you know, Charley," he eagerly added, aloud.

"Yes, both in together, you know. Well, I just took my five hundred dollars in my fist and I marched straight up to that table, and I planked her down on the eagle-bird—every cent—and cried, 'Roll, roll! Turn, turn, turn! Five hundred dollars on the eagle-bird! Twenty thousand dollars or nothing! Turn, turn, turn!'"

"Well, well?"

"Five hundred dollars on the eagle-bird! Twenty thousand dollars or nothing! Turn, turn, turn!"

"Well, well?"

"And he turned, you know, and—"

"And, and—?"

"And the eagle-bird lost!"

"Oh, the fool!" growled Gully. "Oh, the reckless, drunken gambler!"

The old lawyer, now approaching Charley and putting his hand on his shoulder in a kind, fatherly fashion, said:

"Charley, Charley, you are drinking again. You will break your old mother's heart!" The old lawyer with all his roughness had a tender heart, and again and again had forgiven and restored Charley when he had "fallen a victim to his only failing." "I will save him yet, there is good stuff in him."

"My mother!" exclaimed Devine, in a startled tone. "Don't say a word to *her*! I—I—I will reform now."

"Well, well, Charley," said Snowe, taking the young man's hand, "you have promised me that before and I have trusted you. I trust you again. Maybe I am a fool

for doing so. Prove that I am not. I must trust you *now*. About this business of mine. Come, be sober ; be a man. You promised to start on this business this very night. You are the only man that understands the case. You are the only man I can trust. Can you go ? Are you fit to go ? Do you remember what you have to do ?”

Charley Devine nervously passed his hand across his face.

“ Why, of course, I do. A girl—a child of one of the wealthy old Creole families—a lost girl that old black Sam had charge of—one of the orphans of the Mountain Meadow Massacre—now an heiress—a great estate waiting for her. And you think you have a clew—you think she is in the mountains near Sierra.”

Tom Gully listened intently.

“ An heiress—a lost girl in the mountains ! An heiress !”

“ I am to go and search for her. My salary you are to hand over to my mother till I return,” said Charley, finally.

“ Right, my boy !” exclaimed Snowe ; “ and now you must be off. Here is more money ; now do not play the fool again and lose it. Sam !”

“ Yes, Massa Snowe.”

“ You are sure you would know that child still ?”

“ Sure, Massa Snowe, sure ! I would know dat chile—why, I would know dat chile in—Jerusalem ! Why, Massa Snowe, she’d know dis ole black face, sure ! She’d come right up to dis ole cripple now.”

“ Ah, but you must remember it is now more than twelve years since the Mormons and Indians murdered her parents and took her from your arms on the plains, and she was scarcely six years old at the time.”

"But I'd know her, sure! And she—she'd know dis ole black face. Dar ain't many of my kind, Massa Snowe, up in dem white mountains; an' den, oh, Massa Snowe, she'd know my songs! She'd fly to me like a bird, she would!"

"Your songs!" exclaimed the lawyer, thoughtfully; "did you sing much to her, Sam?"

"Allers, allers, on dem ole plains, Massa Snowe. Why, she knowed my songs, every one; she'd sing a vus an' den I'd sing a vus; and you see, if she hear me sing now, she'd come a runnin' right to me—'fore God she would, Massa Snowe!"

"That will do, Sam. Now, Charley, you must be off, and at once! Mind, they are trying to impose a false claimant on us, and it's hard to disprove their claims. But this old negro's evidence will be conviction strong as Holy Writ. Now, Sam, you can go; and remember, if this girl is found, your fortune is made."

"I don't want no fortune, Massa Snowe. I wants to see dat chile once before I dies—poor, poor baby in de mountains."

The old negro, with his sleeve to his eyes, had hobbled back to the door and was disappearing, when the lawyer looked up from the papers he had taken from the bag and spoke:

"I say, Sam, do you think there are any marks by which she can certainly be identified? Listen to this, Charley. Give your special attention to this."

The negro stopped and threw up his hands. Then he came back and stood before the lawyer, who began to write as the old cripple began to talk.

"Marks? Marks, Massa Snowe? Marks dat she will take wid her to her coffin! Yes! Why, dar come de Mormons, painted red, and howlin', and a-choppin' an'

a-shootin', an' a-stabbin'. Oh, Massa Snowe, it makes me sorry ; it makes me sick to t'ink of it. A whole heap of women and babies heaped togedder in de grass and dusty road, dead. And den dis little gal a-nestlin' up to me, a-hidin' in ole Sam's busum when I lay like dead in de grass. And den when all was still, an' de Mormons came up friendly like, she crept out, an' de blood was a-runnin' down her arm ; den dey took her off and away from her ole black Sam ; an' all her folks was dead ; and dere was a great bloody gash, dar !"

The old negro was almost wild with excitement as he told this, and pointed on his arm to the place of the wound. Then he hobbled back to the door, and out, as he wagged his head and said, as to himself :

" Know her ? Know dat chile ? I'd know dat chile in Jerusalem, I would !"

" That, Charley, is the child you are to find," observed Snowe. " A large tract of land on which a city has since been built was the property of her parents at the time of the massacre, and she is the sole heiress. Of course there are many pretenders to this fortune ; but this I know is the real heiress, and I am quite certain, from what I heard last week, she has drifted into the mines of California, and can be found there. I have gone over this pretty often, Charley, and now I'm done with it," said the old lawyer, as he arranged his papers, sealing them with red sealing-wax.

" I see a point ! It's the biggest thing out—a mine of gold—a regular bonanza mine to any man who has the nerve to work it," said Gully to himself.

" Charley," observed the lawyer, " one word more. You see, in the great Mountain Meadow Massacre, the Indians, led by the Danites, killed all except the children. The little orphans, forty or fifty in number, were

taken up by the Mormons and Indians, and in a few years were almost forgotten. I have sent agents searching everywhere and questioning about every one I could hear of, but hitherto I have been always disappointed. But now I have a new hope, and with care it shall become a reality." He stopped talking here, paused a moment, and said : " It is a beautiful and very strange superstition of the Indians, that they must not kill a negro. An Indian of the Plains will not kill a negro. In this case, they spared old Sam only because he was black. I have the greatest possible hope ; for if the child can remember anything at all, she can remember old black Sam. Charley, it shall be your task to find her."

" A delightful task !" cried Charley. " I shall so like to get out and up into the mountains, into the heart of the Sierras. Such scenery ! Such air ! The smell of the fir and tamarack ! An' I shall reform there."

The old lawyer turned, took the lad's hand, and, looking him long and earnestly in the face, as he had often done before this, shook his hand cordially : " And now, Charley, you are to go directly to Sierra, and sit down there quietly in the heart of the mountains. Get all the information you can about her ; get acquainted with her quietly ; get her confidence ; find out what she remembers of the old negro, and all ; and when you are convinced that she is really the heiress, I will come with black Sam to satisfy the law that we have made no mistake. Come, it's just the enterprise for a man of nerve and heart. And you really don't need much head for this, you know," and the lawyer laughed good-naturedly. " All you want is heart." And in an envelope he laid the papers on the table.

" You say she's very rich ?" observed Charley.

“The richest girl, perhaps, in California. A city has been built on her land; there is no computing her wealth.”

Gully’s eyes feasted for a moment on the papers. It was a hungry stare—a stare that was held in fascination.

“You can go at once,” said the lawyer.

“The biggest thing in America! Go! I see a fortune in it—a fortune, do you hear? Go, find this girl. Find her, woo her, win her, marry her! And don’t let her know she is an heiress until it’s all over,” suddenly exclaimed Gully.

The lawyer started. “A friend of yours, Charley?”

“His oldest and best,” said Gully; then confidentially to Charley: “Woo her, win her, wed her before she knows anything about her good fortune! Charley, I congratulate you! I say that is the biggest thing in America! Go! Do as I tell you; but be sure you take plenty of perfumery. Few women can reason, but all women can smell. Take plenty of perfumery.”

As he spoke Mrs. Devine entered. She cast a bewildered sort of glance around, her eyes resting on her embarrassed son as he said:

“Oh, mother; I am so sad, yet so glad you have come before I start for the Sierras.”

“The Sierras! Charley,” she gasped. “I thought, I thought—”

At this moment, Gully, who had been watching for an opportunity, adroitly exchanged the contents of the envelope by substituting some worthless papers which were in his own pocket.

“Yes, mother I—I did not want to tell you myself, but now I must. I go to California to-night.”

“No, no! Not there! Not to that place, of all places in the world. Not there—not there, I implore

you." And the woman clung to her boy as if she would hold him back from some dreadful abyss.

Gully sealed and handed Charley the package. In so natural and matter-of-fact a way was this done that even the shrewd old lawyer suspected nothing wrong. Gully was an expert in low villainy.

"Mother, I must go," said the lad. "There is no avoiding it. I must go to-night—*now*! Why should you have such a horror of California?"

"My son, hear me," cried the anxious mother, as she drew her boy to her side. "Your father is buried there."

"Mother, I will find my father's grave."

"Only time to catch dat train, Massa Charles," called out the negro.

Then Charley, after one prolonged embrace, tore himself from his mother's arms, and disappeared.

The gruff old lawyer was seized with a cough, and used a handkerchief to his eyes, as the poor woman bowed her head, weeping as if her heart would break. The handsome and dashing Tom Gully, hastily thrusting the package of papers deeper into the breast of his broadcloth coat, took his departure, chuckling wickedly as he strode through the dark to the depot. "Fool! Go on your fool's errand; but you will find the bird flown, for I shall be there before you, if my wits serve me rightly. You are not Tom Gully's match in winning the heart of a girl."

CHAPTER VI.

“JUST ONE LITTLE SONG, LOVE.”

Then sing the song we loved, love,
When all life seemed one song ;
For life is none too long, love ;
Ah, love is none too long.

And when above my grave, love,
Some day the grass grows strong,
Then sing the song we loved, love ;
Love, just that one sweet song.

So when they bid you sing, love,
And thrill the joyous throng,
Then sing the song we loved, love ;
Love, just that one sweet song.

THIS is the little melody which old “’49” had taught Carrie to sing in concert with himself every Christmas Eve. This is the song that he and his far-away wife had agreed to sing together at the hour of midnight, though seas and continents divided them. And he, for his part, had kept his promise for nearly a quarter of a century. He could not know how she had kept hers. He only knew that he was gray and old and broken now, and the sad refrain took on a deeper meaning each year as he drew nearer to the grave.

“For life is none too long, love ;
Ah, love is none too long.”

And yet he still dreamed of the waiting young wife at the door of his Western cabin home ; saw more clearly,

it seemed, than ever before, the little boy-baby crowing and tossing its arms in the cradle ; still fondly dreamed from day to day, from year to year, that he would strike gold yet, and return and take them to his heart.

So the old man struggled on, hoping he would strike it yet in that damp, dripping old tunnel. He could not work so hard now ; and more than once these three—the old man, Carrie, and the great bony, slobber-mouthed dog—were out of bread. And when they had nothing to eat, old “ ’49 ” was only too apt, by hook or crook, to have something to drink.

It was this wretched poverty, as we have seen, which drove Carrie to singing and dancing once more for the miners. This took her to Dosson’s saloon, and well-nigh kept her there, where she had to put up with all the insults of Old Mississip and endure the sneers and insolence of the reputed heiress, her so-called daughter.

It was about this time that Charles Devine first came to this camp. He had not come directly to Sierra, as the old lawyer had desired. The grief of his mother at their separation made such a profound impression on him that he had resolved first to find his father’s grave, if possible ; or at least some trace of his life or death in the mines of California.

By persistent search he found that he had set out for this same mining camp many and many years ago, had entered it, and, so far as he could learn, had never left it.

On the brow of the hill looking down from the dusty stage road through the dense pines he met two worn and bearded miners in shirts and boots. Shirts and boots and beards seemed to be about all that was visible of them, while they had their blanket, picks, pans, and kettles on their backs.

He stopped these prospectors long enough to inquire if they knew a Mr. Devine in that camp. And while they stood staring at him from behind their beards, he proceeded to tell how, many years before, Devine had come into that camp—a tall, handsome gentleman—and never was heard of afterward.

The two men exchanged glances. Then the elder of the two took him by the sleeve, led him to the edge of the road, and bending a little to look under the hanging boughs, pointed with his brown and hairy right hand away down toward the mouth of the cañon to two little white spots by the side of a great dead oak on a little rocky ridge, and said :

"Stranger, thar's two strangers' graves."

Seeing how this had moved the young man, the younger of the two thought to say something kindly ; and as they hoisted their packs a little higher on their backs and set their faces up the hill, he said back over his shoulder, as they climbed up the steep road :

"Yes, them two came to this camp and never left it ; two tall, handsome fellows, years and years ago."

"What's their names?"

"Nobody never knowed, stranger. But everybody was powerful sorry for 'em ; they died under that dead tree ; and one was a-holdin' of the other one's head, as if to sort o' help him, like."

That night, some drunken miners passing up the trail below the two graves were certain they saw a strange figure moving about on the rocky ridge ; and so they stepped high and hurriedly on their way.

"'49," looking out of that low little window, also beheld something that night. But he did not mention the circumstance to any one. In fact, he saw the object but dimly, for his eyes were old and weak now. And

then the trees, at last after so many years, were growing up between his window and these two ghastly white graves that had so haunted him all these years. He was glad of this. Oh, he was so glad !

He had always felt that, so long as two bald white graves kept watch there at the mouth of the cañon, he could never pass out of it to the civilized world beyond. These graves were as the tops of two mighty pillars of a great gate that shut him up in prison forever.

But now nature had come to help and comfort him. The oak was dead ; but a growth of pine, as is always the case on the California foothills, was taking the place of the departed oak. They would soon hide these two glaring graves utterly now at last.

This man, with his morbid memories, felt that he could breathe more freely, stand up straighter, step more firmly when these two graves that had lain there, in moon or sun, storm or shine, for fully twenty years, should be hidden forever in the green foliage of the pines.

The next day young Devine, after a night of watching and prayer on the rocky ridge by the two nameless graves, resolved that with the approach of evening he would enter the saloon where Belle was to be found, and forthwith make his mission known.

He dressed himself with care ; for, in addition to being always elegant in his apparel, he felt somehow that he ought to approach this young girl with every consideration and token of respect.

It is just possible, too, that there might have been at that time a vague idea that it would be best for him to win this wealthy girl's heart, lift her to his position in life, and at the same time secure his own fortune, as Gully had advised. Who can guess what were his

thoughts, with the picture of his dead father running counter-current through his brain, as he approached the saloon on that memorable night?

A motley crowd it was that he found there, loud and coarse and vulgar; not at all like the men of the olden days of gold. He wore a tall silk hat—a dangerous thing for a stranger to do on entering a mining camp. Men stared at him. They were not absolutely uncivil, but they certainly held him in great contempt from the moment they set eyes on his hat. He wished to speak to some one, and seem sociable. Still thinking of his father with tenderness, and seeing old Colonel Billy, with his battered hat on his left eye, he accosted him, and asked if he ever heard of a Mr. Devine who came to California in '49.

"A Mr. Devine? A Mr. Devine? Was he a gospel sharp? A hymn-howler? No offence, I hope. Thought he might a' been, you know, from the name," said Colonel Billy.

"No, no offence," said the young man, relaxing the fist that half doubled as the colonel spoke.

"Did you ever know a man by the name of Devine?" he asked of a tall, bony old man who stood on the edge of the crowd, and who swayed like a leafless pine that had died and refused to fall.

The old dead pine stopped swaying a moment, and answered: "Devine? Devine? Any relation to—?" and the bewildered old man lifted his head heavenward in dazed and helpless inquiry. Then shaking his head he was blown back into the crowd, while a sympathetic knot of old miners looked at the young man and shook their grizzly heads, but did not answer.

"Looking for a needle in a haystack, young man. If that was his name, it's just the best of a reason that it

ain't his name now. You see we baptize 'em over and give 'em new names, titles, and sich, when they come to Californy," observed a man with a mashed nose and a short leg.

There was a rustle of silk at that moment, while a murmur of admiration ran through the crowd. Old Mississip, with her daughter, the dark, low-browed Creole girl, entered and took their places at the faro-table.

This girl was supposed to belong to one of the oldest and most aristocratic families of the South-west. It was a moment of intense interest to Devine.

"And why is this young lady called Belle Sippy?" he asked of the short man, with the mashed nose.

"Don't know, 'cept it's 'cause her mother's name is Mississip."

The man limped away from this stranger, who seemed to be a walking interrogation point, and over his shoulder referred him to Colonel Billy; and Colonel Billy, holding on to the bar lest the floor might move from under his feet if he attempted to stand still, referred him to old "'49."

"He's been here since these hills was a hole in the ground; and what he don't know about anybody ain't worth knowin', stranger. Ask him when he comes; he'll be here in this 'ere saloon with Carrots, by and by," continued Colonel Billy. Then spitting cotton and making many signs of being very dry, he went on: "But it's my opinion, as a lawyer—my professional opinion—that she's no more her daughter than I am." And he nodded to Belle. The old colonel blinked and blinked as he spoke, and at the end of his speech looked at the young man as if seeking to find a name for him. He looked first at his feet, then up and up till he saw

his hat. Then with a laugh he blurted out, "No more her daughter than I am, Mr. Beaver."

"By Gol!" chimed in a capper, "a dandy come to town!" as he looked up from the game, over his shoulder, at the stranger.

"Dandy Beaver! Gentlemen, Mr. Dandy Beaver!" said the colonel, setting his white hat on his head.

"Dandy Beaver! Down your bets, Dandy Beaver," shouted the dealer, as he gayly tossed his cards; and the man, looking straight at the newcomer, leaned forward and playfully tapped the cheek of the girl.

"And in such a place as this, and with such people! What hideous familiarity?" Devine fairly caught his breath and fell back amazed at the audacity of Dosson, as he touched the girl's cheek.

"All down! The game's made! Roll!" Again the coin clinked, the cards flew in the air, and the pretty Spanish women and gayly-dressed Mexicans smoked their cigarettes and played with desperate intent. Such scenes as this are common enough in mining towns to this day.

"But where's Carrie?" exclaimed old Colonel Billy. "I didn't come here to gamble and drink. I came here to see Carrie and hear her sing. Now, where is Carrie? That's what I want to know."

"And who is this Carrie?" queried Devine, who was anxious to introduce himself to the notice of Belle.

"Oh, she's a wretched, ragged thing, that hain't got a cent," was Belle's reply, accompanied by a contemptuous toss of the head.

"Got no father, got no mother, got nothin'," said Mississip, savagely.

The game had stopped. There was a storm outside. Perhaps these people were wondering where that child was. It was an awkward pause after the woman spoke

so bitterly. The people began to roll cigarettes and fall back and gather in groups about the saloon.

"That's a 'Frisco chap," observed Dosson.

"Take a drink, mister?" said the woman, pointing to the bar.

"No, thank you, I don't drink."

"Don't drink! Well (hic) he's not from 'Frisco," hiccoughed Colonel Billy.

"You are the proprietor of the—of the City Hotel?" said Devine, civilly, as he approached nearer, endeavoring to be courteous.

"I am the proprietor of the City Tavern, the only hotel; and I lets the rooms, bef your sweet life," replied the virago.

"Rooms!—(hic)—rooms! Rooms not quite big enough for bedrooms (hic), and a little too big for coffins," said Colonel Billy.

"Can I spend the evening in the hotel?"

"Certain, certain! That's what this 'ere hotel was fitted up for. You see in the Sierras we likes to be as comfortable and as nice as in 'Frisco. But this parlor is used for a good many things. Now, this is the parlor of the City Tavern. This is the ladies' sittin'-room." Here a Spanish lady bowed. "This is the gentlemen's sitting-room." Here Colonel Billy bowed profoundly, adding, "It's the eatin' house, and it's the dead-house."

"Dead-house?"

"Ay, dead-house."

"Right there; I've seed seven of us laid out to stiffen on that 'ere table," said Colonel Billy, looking grim and ghastly at the recollection.

"Oh, yes; but what's the use of a killin' of men in the house. It always interferes with the game. If you

wants to kill 'em, kill 'em outside. Down your bets !
All down ! Try your luck, mister ? There's the ace of
diamonds, as pretty a card as ever held a twenty-dollar
piece.”

CHAPTER VII.

“ I ’ M A T O T A L W R E C K . ”

We are wreck and stray, we are cast away,
Poor, battered old hulks and spars,
But we hope and pray, on the Judgment Day,
We will strike it, up there in the stars.
Though battered and old, our hearts are bold,
Yet oft do we repine
For the days of old,
For the days of gold—
For the days of Forty-nine.

“ ALL down ! Down your bets ! The game is made ! Roll ! ” roared Mississip, as she sat at the faro-table flourishing a card over her head.

“ Mississip, where is Carrots ? I didn’t come here to gamble and get drunk. I came to see *her* and (hic) hear her sing,” said Colonel Billy, as he spread both his broad hands on the table and leaned on them heavily, emphasizing his former question.

“ Where’s Carrots ? Out with old ‘ ’49,’ when she ought to be here at work. Roll ! ” Colonel Billy tottered away, muttering over his shoulder aside to the miners, “ I tell you, boys, we ought to do somethin’ for that little gal, even if she is a saucy imp, and all that. Old ‘ ’49 ’ can’t keep her any more. You all think he’s rich, eh ? Think he’s got a mountain of gold (hic), eh ? Well, boys, he’s got somethin’ dearer than gold away back yonder in the States—a wife and a baby. Why, if he had money he wouldn’t stay here a minute.

No, he's too poor to even feed Carrots. He's all busted up, and about starvin' himself. That old tunnel. Humph! She has to go to sing and dance to get a bit of bread. Total wreck, total wreck." And the red nose of Colonel Billy, having run its course about the room like a comet in the heavens, came back to the bar, whence it started, and entreated the barkeeper for a drink.

Meantime, through a door by the bar, sauntered in the best-dressed man in the Sierras. He was fragrant as an apothecary's shop. His broad Californian hat rested a little on one side; a pistol showed on his hip and a bowie-knife in his belt.

Charles Devine started as at an apparition. It was Gully—yes, Tom Gully. Tom approached the girl familiarly, and sat down at the card-table as if he owned the place. The red comet completed another circle of the den, and came back to the card-table.

"Oh, go 'way and don't bother the game."

"Put him out, Lucky Tom, put him out!" cried Mississip.

"You had better order your coffin (hic) before you try it. I'm one of the old 'uns, I am. Don't care if you do carry a bowie. I came to this 'ere camp too early in the mornin'. Why, you only came here last month, and you think you own the town. Put me out! I should radiate. Used them things for toothpicks in '49 and spring of '50," hiccoughed the colonel, as Gully laid a hand on his bowie-knife.

"Well, Colonel Billy, if he wants to put you out, he will," piped in Belle, from the other side of the table.

"Your humble servant, miss, but he don't want to; he don't want to (hic) put me out," bowed the colonel, politely.

"No, no, he don't want to ; do you, dear ?" leered the girl.

"Not if he behaves himself, my darling," answered Gully, with considerable familiarity.

"Well, all I want to know is, Mississip, where's Carrots, and why don't you pay her for singin' and dancin' here well enough for her to get clothes like this one's ? Carrots does all the work and Belle wears all the clothes."

"Because Belle is a lady and Carrots is nothing but a little saucy Injin, and don't deserve good clothes. And now d'ye mind that ? The Injin!" cried Mississip.

"Injin, Injin ! Well, she's the whitest Injin I ever seed. A red-headed Injin. Say (hic), Belle's blacker than forty Carrots."

"Now you—" and with a fearful oath Gully was on his feet, his hand on his bowie.

"Why don't you pull it ? I want to see it ; hain't seed a bowie since spring of '50. Bah, you coward !"

As the two stood glaring at each other, a voice was heard above the storm outside—a feeble, piping voice, as if some one was trying to sing and be merry under difficulties.

"That's Carrots ! That's our Carrots, boys !" cried the colonel.

"That hateful Carrots. The men all turn from me to hear her sing. The hateful singecat. I despise her !" muttered Belle.

"That's Carrots ! That's Carrots ; and old ' '49,' my chum, ain't far off," chuckled Colonel Billy, as he turned from Gully with contempt and indifference.

"I don't know what ' '49 ' sees in her," says Belle spitefully to the comet, as in its orbit it passed by where she sat.

"Don't see what ' '49 ' sees in *her*? Why, he sees in her soul (hie), heart, humanity. She's the sunshine of his life. She's the champagne and cocktails of this 'ere camp, too."

And here entered Carrots, singing snatches of song, a bow and arrows in her hand, her dress all torn, her hat hanging by its strings over her shoulders, and her hair unkempt. Flourishing her bow and arrows, she cried out to Colonel Billy :

"Knocked a chipmunk clean out of a pinetop, Colonel Billy. Yes, I did ! Old ' '49 ' was with me up yonder. Yes, and he's come home by his tunnel to give my flowers to old sick Jack. Be here in a minute."

Mississip strode across the room toward the girl, and the miners gave way before her.

"She's broken up the game. Here !" And she seized Carrots by the hair.

"Oh, oh ! Now, you jest let up ! Let down ! Let go !" cried the girl.

"Give me that, and tell me where you've been !" roared the virago.

"Oh, please, Mississip ! Please let go my bow and I'll never, never, never—" and here the girl slipped from the clutches of the old monster, with her bow and arrows still in her hand. Placing an arrow in her bow quick as an Indian might, she drew it on Mississip : "You old hippopotamus ! Notion to knock you like I did the chipmunk."

"You imp ! You Injin !" cried Gully, from behind, as he cuffed her and took the bow and arrows, and angrily and hastily placed them out of her reach behind the bar.

"Now, you ever dare touch that bow and arrows again—" began Mississip, but suddenly stopped, and resumed her seat. Old " '49 " had entered the room.

"Well, Colonel Billy, old pard, how are you?"

"Still spitting cotton," the Colonel replied. "Dry, very dry. Total wreck, and dry."

"Dry! Ha, ha! Well, I ain't. That old tunnel goes drip, drip, drip. I'm not dry. I hain't been dry for nigh onto twenty years, Colonel Billy."

"Well, I've been dry for nigh onto a thousand years, seems to me."

"Billy, you just wait. Just wait till I strike it in that tunnel, and we'll go to New York and buy—buy the Astor House. Yes, we will, bar and all." Thus the generous sentiments of the heart led many of the noblest of the pioneers on the way to their ruin.

"Good, good! But you won't strike it. No, you won't never strike it while I live. Why, if I wait for you to strike it in that old tunnel, I'll be so dry (hie)—well, I'll be evaporated."

"There's gold in there. I've been here since '49, and I'd ought to know. I'll strike it yet, Colonel Billy. And you won't evaporate."

"Yes, I will evaporate. We all will. Won't we, boys?"

"Well, then, come, let's have a drink. Come, boys," and "'49" crossed over to the bar with the boys. "See there, boys; she did it. Took its eye out with the bow and arrows I made for her. There, barkeep. Have it for your dinner? Might have a meaner one. Yes, you might have a worse dinner than a chipmunk, barkeep."

Colonel Billy spit cotton furiously, for the whiskey was poured out, and each man had his glass in his hand. But as no one in the mines ever drank till the man who treated lifted his glass, the old colonel was suffering horribly.

"Why, when I came here in '49, that 'ere squirrel would ha' been a dinner fit for a king. Tough times,

then, I tell you. Them's the times, too, when we used to have a man for breakfast ; women were so bad, and whiskey was so bad, Colonel Billy. Yes, yes ! But now that I've got that tunnel, and am goin' to strike it right away, I wouldn't eat chipmunk—no." He raised his glass, and then dropped it again. The faces of the miners and Billy expressed the keenest disappointment.

Standing there with his glass in hand and resting on the bar in most provoking irresolution, to the dismay of all, he began again :

"And when I do strike it and get back to my wife and little blue-eyed baby in the cradle on the banks of the Mississippi—" Here Carrots clung closer to him—"Oh, I'll take you, my girl. Oh, never do you fear, I'll take *you*. And I'll take a big buckskin bag of gold-dust, yellow and rich and beautiful as your beautiful hair, my girl. And we won't let 'em know we're comin'. No. We'll just slip up to the cabin there—slip up through the corn, and just slip in quiet like, while my wife's leanin' on the mantel and lookin' the other way, and then we'll crawl up to the little cradle settin' in the middle of the floor, and we'll pour the gold down in the cradle at that baby's feet as it lies there a-crowin', and my wife will turn and see it all—gold, gold, gold !"

"'49 ! '49 !" Old pard ! You mustn't think of that, you know. Your head ! You mustn't talk of the States. You know it makes you (hie) wild to talk of the States."

"I forgot, I forgot. Forgive me, boys. Here's to—to—to—her."

And, as he lifted his glass, he turned, and for the first time saw young Devine.

"'Frisco chap, eh ? Have a drink, stranger ?"

"No, thank you ; I rarely drink."

"Rarely drinks! Well, he ain't quite square," mused Colonel Billy.

Gully suddenly looked up. As his startled eyes fell upon the stranger he became pale as death. Then he started from the table.

"Charley Devine!" he muttered between his set teeth. "By all that's fiendish, he's found this out-of-the-way place, without his papers, and it will not be like him if he is not without money, too. Well, here's for the game of bluff. Fortune favors the brave," and, by a supreme effort, he cried, "Hello, Charley."

"Gully! who'd have thought of seeing *you* here," cried Devine. "Lucky Tom Gully, I heard them call you. Well, I'm the lucky man this time, for I'm flat broke."

"Good! Flat broke! He does not even suspect me," said Gully to himself. "I'm your friend, Charley, and will help you. But what's the trouble?"

"Well, you see, I was very mellow that night I started; I had gambled, you know, and when I got sober the next day I found that I had either lost the papers or, in the hurry of my leaving, Judge Snowe had given me the wrong package. Only some old papers of yours, where you had been sued for a tailor's bill! Well, you know how gruff and stern Snowe is. I couldn't go back; and, then, I wanted to try and find something about my father; if possible, to find his grave. And as I knew the name of this place, I at last managed to get here. But how is it *you* are here?"

"Treat an old miner? Been here since '49. Spring of '50. Treat an old miner? Total wreck—total wreck," observed the comet, as it came around in its orbit between the two men.

"Billy, you're drunk," and Gully pushed him aside.

"No offence, stranger, no offence. Total wreck, total wreck."

And the fiery comet swept on around in its orbit to "'49."

"And you come here to mine?" queried Devine, as he looked Gully steadily in the face.

"To marry."

"To marry? Why, there are no marriageable ladies here in this dreadful place, are there?"

"There is one marriageable lady, and I am engaged to her."

"I congratulate you."

And the frank and unsuspecting young man gave the other his hand.

"It's queer, Carrots," said "'49" to the girl, who had been looking curiously at the stranger. "The new one looks square now. But that Lucky Tom is three-cornered. He is as triangular as a dinner-gong. Let's see what's goin' on."

The old man rose up, and Carrots danced across before the miners, and stopped suddenly in front of Devine.

"Stranger, hello! What's your name?"

"Well, my little lady, this man here, Colonel Billy, says my name is Mr. Beaver. Ha, ha! Mr. Charley Beaver, then. Now, what's your name, my little girl?"

"Carrots!—just Carrots. That's all."

"Good-evening, sir," says "'49."

"Good-evening, sir. Carrots! Queer name. Eh, sir?"

"Yes. You see we call her Carrots, because—well, because her hair is like gold, sir. Twenty carats fine, and all pure gold. That's why, sir. And sing: why, she sings like a bird. When I strike it in my tunnel I'm goin' to take her back with me to the States, sir,

to tend and sing to my little baby. Have a drink, Mr.—Mr.—Charley Beaver?"

"Well—thank you. Don't care if I do now. It's damp out of doors. Then I want to know you better, sir. You look to me as if you might be the king of these Sierras. Yes, I will drink with you."

"That's right. You see I'm old "'49.' The boys all know me. I'm goin' to strike it in my tunnel next week, and go back to the States. I'm tired of this. Tired, tired. I want to see my wife and baby."

"Why, what part of the States?"

Again the comet had made the circle. It swept in between the two gentlemen—a way it had—as if it knew a great deal more than it pretended to. The colonel laid a hand on the young man's shoulder.

"Stranger! Mr. Charley Beaver. Don't, don't you never git him on that. He's a little—" And here Colonel Bill tapped his head gravely. "You see, he's been waitin' so long and been hopin' so long, it's turned him jest a little. No. Never let him talk about that. He's all right on other things, but not that. Never, never let him talk of the States, stranger—never of a wife and a wee bit of a baby in the cradle."

"Well, then, I won't;" and he turned to "'49."

"Tell me, where did these girls come from?"

"That's more than the oldest of us here can tell," answered "'49." "You see these mountains were full of people once. Full, like a full tide of the sea, when we first found gold here. The tide went out, and left the driftwood and seaweeds and wrecks. These are part of them—I am part of them."

"But Carrots—where did she come from?"

"Don't know, I say. She was first seen, a mere baby, beggin' about among the miners with some Injuns.

They took the Injuns to the Reservation ; the Injuns died, and I went down and got my little Carrots and brought her back to the mountains, or she'd have died too."

"And when was this you first saw her among the Indians? Spring of '57, eh?" chimed in the comet, as again in its orbit it poked its fiery nose between the men.

"Yes, guess it was," says "'49." "He's got a memory. Was a great lawyer once."

"Yes ; and don't you know, ' '49,' how we first called Carrots 'The baby'?"

"Yes ; and do you remember the time she stole some raw turnips?"

"Yes ; and ate 'em, and got the colic, and like to died?"

"Yes ; and Poker Jack got on his mule to go to Mariposa for the doctor."

"Yes ; and got into a poker game, and didn't get back for four days."

"Yes ; and the doctor didn't come, and so the baby got well."

"Just so. Just so, ' '49' ;" and the comet crept on, shaking its head a bit at the memory of departed days.

"Thank you. And the other one, ' '49' ?"

"Well, that mout be her child ; but I guess she got picked up, too, by old Mississip. But, you see Belle, she's stuck up. Guess she's got blood in her. I don't like her at all like I do my little Carrots."

Devine was thoughtful for a moment, and then said to himself :

"This can't be the girl. Water finds its level. She has sunk to the kitchen. The other one is the lady. I

will talk to Gully. He seems to be most intimate with her. What does it mean?"

"What, ain't goin' to bed, are you?" said "'49," as the young man turned away.

"Oh, yes, "'49." Let him go. You'll talk too much, and have one of your spells again," cried little Carrots, as she clung to the hand of her only friend on earth. "Come, let's go up to the cabin." Then she darted back behind the bar and stole her bow and arrows.

"Come here, Carrots, and give us a song, and then we'll all go," said an old miner.

"Yes, a song," shouted the miners in chorus.

"I ain't got no song," said Carrie, pouting.

"Yes, just one song for the boys, Carrots, and we'll go up to the old cabin."

"Give us 'The Days of Forty-nine,'" they all shouted.

"Shall I, "'49' ? Will you, boys, all join in?"

"Yes, yes."

"I will assist," said the comet, clearing its throat.

"All right. Join in the chorus all of you." And, smoothing down her storm of hair, she sang in a clear, sweet voice, while every miner roared in chorus :

"We have worked out our claims, we have spent our gold,

Our barks are astrand on the bars ;

We are battered and old, yet at night we behold

Outcroppings of gold in the stars.

And though few and old, our hearts are bold ;

Yet oft do we repine

For the days of old,

For the days of gold—

For the days of Forty-nine.

Chorus.—And though few and old, our hearts are bold, etc.

"Where the rabbits play, where the quail all day
 Pipes on, on the chapparal hill,
 A few more days, and the last of us lays
 His pick aside, and is still.
 Though battered and old, our hearts are bold ;
 Yet oft do we repine
 For the days of old,
 For the days of gold—
 For the days of Forty-nine.

Chorus.—Though battered and old, our hearts are bold," etc.

"Bravo !" shouted the miners, while some groped in their empty pockets, and shook their heads mournfully.

"Come, Carrots, we must get back to the cabin," said "'49," starting to his feet.

"And may I not come to the cabin, too, some day, sir?" asked Devine.

"You will be as welcome as the warm winds of these Sierras, sir."

"But we've got a bulldog tied to the door," said Carrots. "Got it for him," pointing to Gully.

"I will come, dog or no dog," laughed Devine.

"We drink water out of the same spring with the grizzly bear," said "'49."

"Drinks water! Bah! Like a hoss!" chipped in the comet.

"I've got a great tunnel up there. I've bored half a mile into that mountain, sir."

"I will come." Then a sudden impulse seized upon Devine. "I—I— May I not come to-night? I am a stranger, and poor, and—"

"Poor, and a stranger?" and "'49" grasped his hand. "You are my guest. And when you are ready we'll go."

"I'm so glad," said Carrots, aside, and she began to brush and fix herself up. "I like the looks of him. I wonder if he likes the looks of me?"

CHAPTER VIII.

IN THE DARK.

The gold that with the sunlight lies
In bursting heaps at dawn,
The silver spilling from the skies
At night to walk upon ;
The diamonds gleaming with the dew
He never saw, he never knew.

A STRANGER and friendless, young Devine was only too glad to accept the hospitality of old "'49." The three, dripping with the storm, cold and hungry, crept together up the cañon, and into the miserable old cabin. All were silent. The young man had not a dollar in his pocket, and the frugal breakfast told him but too plainly how poor was his new-found friend. But "'49," as usual, was rich in hope, and soon his glowing accounts of the possibilities of the old tunnel fired the youth ; and before noon he led his new partner deep into the mountain, and there, by the dim light of the dripping candle, instructed him in the mysteries of gnome-land.

And it was high time, too, that he had some one to take the pick from his now feeble and failing hand.

How the pick clanged and rung now against the hard gray granite and quartz ! There is no intoxication like that of the miner's, who is made to feel that the very next blow may make him a millionaire. This old man was an enthusiast, on this one subject at least, and he imparted his enthusiasm to his new partner.

And yet, the young man was not acting without great

deliberation. He soon found out who the "marriageable young lady" was to whom Gully was engaged, and decided that his post of duty was right there in the camp, as close to the side of the heiress as might be. He had at once written to the old lawyer in St. Louis; and also to his mother, telling her truly what there was to tell, tenderly speaking of the two white graves on the rocky ridge which he so often gazed upon.

He was confident that the lawyer, Snowe, and, perhaps, his mother, would come to him at once. Yet the place was remote from railroads, and the mails were few and far between, so he must patiently wait. In the mean time, penniless as he was, what better could he possibly do than work while he waited?

Weeks, months, stole by. The old man was able merely to hobble about now, and rarely ventured into the damp, dripping, and dreadful tunnel. The youth, too, was breaking under his toil and the scant living. His clothes were in tatters. The sharp stones had cut his boots to pieces, and he was literally barefoot. And there was no sign of gold. Every evening he would take down to the old cabin specimens of the last rock he had wrenched from the flinty front of the wall. These old "'49" would clutch in his trembling hands and turn over, and examine with his glass. Then he would lay them down with a sigh, shake his head, and, lighting his pipe, would sit there by Carrie and gaze into the fire in silence.

Young Devine was becoming fearfully discouraged. Perhaps the old man was, too, but no sign was permitted to escape his lips.

Meanwhile the enmity between the parties in the cabin and the parties down at the saloon was not permitted to die out.

Trust a woman like old Mississip to keep hatred alive between men.

The degradation of Devine had brought new indignities, so he resolved to attempt nothing more till help arrived from St. Louis. Ah me ! but he was weary of waiting.

He was almost naked ; he was bent and broken from toil ; he was hungry ; he was literally desperate. Yet he could see that Dosson and Emens were at work every day in the tunnel on their side of the spur ; and their energy somehow impelled him to toil on while strength was left to him to lift a pick.

Once he heard a dull, heavy thud. He put his ear to the wall before him, and he could hear the stroke of their drills against the granite. He now knew that only a narrow wall of a few feet divided them.

It was idle, vain to hope, that in that narrow wall could be found the fortune for which " '49" had toiled so long and patiently. The young man was now utterly discouraged. Despair was approaching close. He could not, he would not, attempt another blow.

That evening, as usual, he picked up the nearest fragment of rock, and taking his pick on his shoulder crept out of the tunnel, determined to return no more.

As he passed out of the mossy and fern-grown mouth of the tunnel, it seemed to be dripping more than ever. It had been a hot day, and he surmised that the water came from the melting snow above, on the steep mountain height.

Down at the cabin, with some flowers in her hand, stood little " Carrots." She had grown almost to womanhood, and looked so lovely now. She kept arranging the flowers, holding her pretty head to one side, and now and then looking up the trail as she talked to herself.

“Humph! No dandy Charley now. No black coat, no black pants, no high hat now. Oh, he’s the raggedest man in the mountains, and that’s saying he’s pretty ragged, I tell you. And I do believe he’s sometimes hungry. I’ve gathered him these flowers. He likes flowers. We’ve gathered lots of flowers together. I’ll put them on his table out here, in the door-yard, under the tree, where he and ‘’49’ eat their dinner, when they have any dinner. Poor little Carrots, that Mississip says is so bad! I wonder if I am bad? I do lie, that’s so; I do steal a little; but I am not mean. There, Charley, is a kiss for you on the sweet flowers.”

And so talking to herself, and arranging the flowers, the child did not see that silent and gloomy old “’49” had just returned to the cabin, and stood there before the door. Poor broken and desolate old miner! And here let me correct a popular error:

Some one has said that these old Californians kept the secrets of their previous lives, and took new names to conceal their questionable past.

Oh, no; not for that did these men close their lips to their fellows. But the baby at home, the wife waiting there—these were their gods. Around these they drew the magic circle of desolate silence. No man there, save in the hour of death, when gold and messages were to be given up to be taken to them by the trusted partner, talked of his love or his little ones.

This home, hearthstone, far away, was a shrine that lay in the innermost heart of the temple, where day and night these strong men knelt and worshipped.

And so do not wonder that “’49,” when sober, never talked of the past to this stranger.

Once, twice, thrice had the boy attempted to lead the miner up to the subject of the white graves out yonder

on the rocky ridge ; but each time, almost savagely, he turned away.

And it was a delicate subject for the boy to talk upon. For who could care to talk of a father who had died a felon ? Somehow, from what the men said on the hill as he first came into camp, or from their manner of saying what they did, he came to think that that tree had something to do with his father's death. He wanted to know of a certainty if the two unfortunate beings buried there were hanged on this dead oak under which they lay. But "'49" would answer not one word touching the two graves that glared there in the October sun. And so in his heart the young man whose name now had crystallized and shaped itself as in mockery of his present sad plight into that of "Dandy" or "Dandy Charley," resolved to ask Colonel Billy, and find out all the facts possible concerning his dead father ere his mother reached the rough mining camp.

CHAPTER IX.

GOING AWAY.

Over the mountains and down by the sea,
A dear old mother sits waiting for me,
Waiting for me, waiting for me—
A dear old mother sits waiting for me.

And waiting long, and oh, waiting late,
Is a sweet-faced girl at the garden gate ;
Over the mountains and down by the sea,
A sweet-faced girl is waiting for me.

ON this last evening, when the wretched little party rose up from a miserable dinner, the old man went into the dark corner of his cabin, and sitting by the sooty fireplace, he moodily smoked his pipe. Carrie wandered away alone up on the hillside, among the rocks, still warm with departed sunshine, and gathered wild flowers in the twilight.

But young Devine took up a short pine board, a pick, and axe, and silently set out down the trail, as if he were going to town. He left the trail on the rocky ridge and turned aside to the two graves under the blighted oak, and there, with his axe, cut and cleared away the trees and bushes that had been trying for twenty years or more to hide them from view.

Then he took up his pick and dug a hole at the head of and between the two graves. In this hole he set the pine board. Then he raked in the dirt, and to make it more firm and solid, he heaped some stones about the foot of it, and beat them down with the pick. The

steel clanged on the flinty quartz, making a strange sound in the gathering twilight.

Old Colonel Billy, who, when sober enough, put in his time panning out in the edge of the muddy little stream up above, and not far from the mouth of the tunnel driven by Dosson and Emens, chanced to be passing on his way home just then, and was startled by the clanging of the steel against the flinty stone. He looked up, and seeing the bushes cleared away, and "Dandy," whom he had named, and whom he had early learned to like, leaning over the head of the graves, hammering on the stones with a pick, he came stumbling up over the rocks, and stood for a moment by his side, silent with wonder.

Then seeing a black pencilled inscription on the white pine board, he stooped on his hands and knees and read :

" TO THE MEMORY
OF
CHARLES DEVINE AND FRIEND."

The old colonel drew his rheumatic legs up under him as fast as he could, and rose. He looked curiously at the young man for a long time. Then he brushed his left palm against the right, and his right against the left, then dusted them again. Then stepping back and down toward the trail a pace or two, he looked up the stream and down the stream, and then at the young man leaning sadly on his pick-handle, and said :

" Friends of your'n ?"

" Yes."

The long pause that followed was painful to both, and the old colonel again attempted to tear himself away, and took another step or two backward and down toward the

trail. But the strange conduct of this young man, the unaccountable sadness of the fine-cut face that stood out in profile against the clear twilight sky, as he looked up from where he rested below, chained him to the spot.

And then it seemed to this old man that this was a sort of innovation—a species of trespass. What right had this stranger to come here and dig up the dead past, and set an inscription over the dead of this camp? Who but he and his old partner, old “’49,” knew aught of these two graves or their occupants now?

At last, lifting a boot with its ancient wrinkles and yawning toe to a rock on a level with his left knee, he rested his elbow on this knee, settled his bearded chin into his upturned palm, and pushing back his battered old white hat, exclaimed:

“They desarved it! Yes, they did! No disrespect to your feelin’s, Dandy. But when men go for to climbing down honest men’s chimbleys, when they are asleep, for to rob ’em, I say pepper ’em! And I say they desarved it! There!”

The hand was high up and the palm was brought emphatically down, all doubled up, after it had been thrust over toward the dead men in their graves, and again the man half turned as if to go. Devine was suddenly all attention, and cried out eagerly:

“What! And they were not hung on this tree? They were shot? Did you say shot?”

“Why, yes, shot! Didn’t ‘’49’ tell ye? Oh, no! Come to think, he’d be about the last man that would. And then he ain’t given to talkin’ of anything but that old tunnel, anyhow. But, Dandy, friends or no friends of your’n, I tell you he wasn’t to blame.”

“Who—who wasn’t to blame? Who? Speak!”

"Dandy, we came into this 'ere camp 'bout the same time, '49' and me. He is as square as a Freemason's rule. Why, I have known him, young and old, for nigh on to thirty years. Now, I'll tell ye what made it so bad. When these two pards—beggin' your pardon—got peppered, they crawled down the trail this way. Well, right here one of 'em 'pears to have tuckered out. And what does the other do but sit down agin this 'ere tree, take his head in his lap, and hold him, and nuss him and care for him till he was dead, and even then didn't try to leave him. But right here, in the darkness, with the awful disgrace and all, he stuck right here with his dead pard, and died with him."

"Oh, my poor father," murmured the boy, lifting a wet face, and looking away against the twilight sky.

"And that's what captured the camp. To see a pard stand by his pard like that, Dandy; I tell you, that fetched the boys. And they were really sorry they was killed. And they didn't like the man that killed 'em. And they never did, and they never will. And that's just what's the matter of '49.' Yes. To kill men like that, you know. It's made him feel bad all his life. But they desarved it. They desarved it. They've ruined my old pard '49.' And they desarved all he give 'em. Good-night! Good-night!"

The young man bounded down the rocks, and caught the retreating figure by the shoulder.

"And you say that '49' killed *him*?—them?"

"Sartin! And they desarved it. Good-night."

The old colonel shook him off and went stumbling on down the rocky trail as fast as he could go. He was almost afraid of him now; his eyes had a glare of murder—of madness—in them.

From a little summit near town he looked back. The

young man had moved from the spot where he left him, and was now kneeling by the graves.

But soon Devine rose to his feet, and turned his face toward the cabin of old "'49." He walked rapidly, and in a few moments came face to face with Carrie, who was at the door.

"Get ready!" he said to Carrie, sharply.

"What? What do you mean? Goin'—are you goin' away?"

"I am going. This is no place for *me*. No place for *you*. Get ready; I am going. If you have any respect for me—for yourself—you will not stay here another hour."

He stepped into the cabin, and went up to the little window. The moon had risen now, and the uncovered graves shone white and bright in the silver light.

The old man in the corner laid some pine-knots on the fire, and they began to burn fitfully. The quartz rocks which Devine had brought in, as was his custom at the end of every day, as specimens from the tunnel, still lay on the table unexamined by the old man. Devine had thought them softer and more rotten and worthless than usual, as he laid them there.

"'49,' I am going away."

The old man sighed, but did not move.

At last the girl, who had remained by the door, came up to where the young man now stood by the window. She put up her face; she put out a soft, sun-browned hand, and gently touched his. It was but a little thing she did, and yet it seemed to her that she had done all—all that could be done.

Charley was still moody. He did not stir, but gazed out down the valley, through the deep cañon, as he said: "Get ready; we are going—going now."

The girl drew back in the dark corner where the old dog crouched. She fell on her knees at his side and took his big, battered head in her thin ragged arms, and held him to her heart. Then out of that dark corner came a sob that startled "'49," who had risen and was approaching the window. Still the young man did not hear or heed. Finally he left the window, and, going to the cupboard, he felt about and found a piece of bread, which he thrust into his bosom for the morrow.

The old man, thoughtful and silent, at length hobbled up to the window, looked out, and beheld the uncovered graves.

His face grew black with anger. Perhaps it was selfish anger. Had he not suffered bitterly? Yet he had in some sort become reconciled. But now, when this stranger, whom he had found hungry and alone in the world, had entered her heart and taken his place there, and stood coldly commanding her! Why, she had stolen bread for him! The old man was weak in mind and in body now. He was scarcely accountable for what he might do or say. He knit his wrinkled and overhanging brows, and turned, up and down the floor. Then he went to the fire and laid a lot of pine-knots on, and there was a bright blaze.

The young man once more turned about. For the last time he gazed out of the window at the two white graves glistening in the moonlight. Then he commenced to sing a soft air in a low tone, and tap the floor with his foot. This seemed to madden "'49," and he muttered to himself :

"To take her away from me now! To take her away like that! To take her from me and throw me quite aside, and stand there a singin'! I—I could murder her!"

His feeble old hand fell down at his side, and touched

a heavy pick-handle that stood there by the fire. Instinctively he clutched it. He half lifted it in the air. He was looking straight at the young man standing there, humming an air—a sad, plaintive air—as he looked out and down the valley. The girl still crouched back in the dark corner by the dog. She did not want to go away. Yet she loved, oh, so tenderly and so truly. This was her first great heart-struggle. Once or twice the old man thought he heard her try to suppress a sob. At last he was sure he heard her. Then he started forward. At first he started to her. He still held the long hickory pick-handle. As he approached and stood at the back of the young man, he paused. He did not hear the girl any more. He heard, saw nothing now. He only thought of murder.

Nothing is so dangerous to a man as the sense of once having killed a man. There is something singularly fatal in this. Let a man once kill one man, and he will find an easy excuse in his heart to kill another. Old Californians know this well. And they have a saying, to the effect that it is hard on the man who is killed, but a great deal harder on the man who kills him.

The old stand or table on which Devine each day, on return from his work, emptied out his specimens, stood near the middle of the floor, and before the little window by which he was now standing. Here lay the little heap of quartz he had brought home this last day. The distracted old man had been too sad and too much troubled to examine the specimens. And so there the ragged and jagged rocks lay—black and white, and brown and gray—rocks that had never seen the light since they sprang into existence at the fiat of the Almighty.

“Going away, now! Going to take her away!

And then to go and cut down the bushes that had hidden all ! To go and drag bare the two graves, and set them glaring in my face ; and then take her away, and leave me here to go mad !”

Tighter the old man clutched his club as he approached the boy from behind. He poised it in the air. He measured the distance to the back of his head with his eye.

“ And to stand there coolly singin’, as he looks out upon the two graves !” muttered “ ’49 ” to himself. Then he paused a second, for he seemed to catch a note in the low, half-inaudible air that he had somewhere heard before. For this man had been no savage in his youth, whatever he may have been now.

Devine was waiting for the girl. He once or twice half turned his head to ascertain if she was getting ready to go. Then he continued to sing.

Again the old man seemed resolved. He raised his club. The table was a little in the way. He stepped around it, and at the same time peered into the corner to ascertain if Carrie saw him. Her head was still bowed above the dog, and she was now sobbing bitterly. He measured the distance.

The blow would fall at the base of the brain. The neck would be broken. One step nearer ! Then he set his right foot firmly in front, and gathered all his strength. The club leaped in the air.

The dog growled. The young man half turned his head, and the other lowered his club and pushed the bits of quartz about on the table. He took a piece in his hand and fell back toward the fire. He made pretence of examining it. The young man again looked out at the soft and silvery moonlight, down the valley, and again began to sing to himself.

It was the old melody—" '49's" melody—the notes he and Mary had sung together—the song he had sung every year since he had left her leaning there in tears by the mantel.

The old man grew wild ! His eyes took fire. He seemed to grow tall, as a storm-tossed pine. He was strong as a giant. He felt like a lion. Surely he was going mad. He thought of Mary, of the baby in the cradle, of the gold in the tunnel. He was so certain of that gold, he could see it. And yet he was going to share it with this wretch !

Gold is hard. Gold is a hard substance, and it is the most hardening substance in the world.

" '49" glanced swiftly about to see if he had been observed. He listened. Only now and then a half-suppressed sob burst in the corner, that Devine could not hear for his own sad song ; only the deep breathing of the bulldog, the snapping of the pine-knot, the gurgle of the water in the cañon without. Nothing ; no one had seen or heard anything at all.

He clutched his pick-handle once more. He stood erect, and moved with confidence and precision. He was resolute now. Let the dog growl if he liked. He would kill the dog, too. Gold ! gold ! gold ! All should be his. Not one ounce to this merciless stranger who had laid bare the reproachful stones, and would now rob him of the little girl he had learned to love !

As the old man again planted his foot in front and poised his pick-handle for the fatal blow, the moonlight fell like silver across the window-sill. Then, as if he had been waiting for that, the boy began to sing—to sing clear and strong and full—the song which his mother had bade him sing when he was desolate.

The heavy pick-handle sank to the floor, the old man

leaned forward, and from the low, sad song drank in these words :

“ Then sing the song we loved, love,
When all life seemed one song,
For life is none too long, love,
Ah, love is none too long.”

“ Who can know them but she and I ? It is sacred to us alone ! It is her song ; it is her voice ! ” He sprang forward, and clutching the young man’s shoulder, he drew him round, and cried in his face :

“ Where—where did you learn that song ? ”

Coldly and calmly the young man answered, looking him sternly in the eyes, while the girl, who had started forward, stood at his side, all wonderment :

“ It is my mother’s song. It is the song that my father—my father yonder—my father !— They sung it together, while they lived, each Christmas Eve. And my mother—God bless her—sings it still. But my father yonder— ”

“ I—I. No ! no ! I am— ”

The weak and broken old man could no longer bear up. His head spun round, words failed him, and he fell unconscious to the floor.

The girl had a little bundle in her hand, and she held the old slobber-mouthed dog by a string. She, too, had seen a deadly battle fought between love and duty, with her own heart for the battle-field. Love had won. Duty had been beaten, and she stood with her dog and little bundle ready to follow wherever her lover might choose to lead her. But they had no thought of leaving the old man now. The first burst of the young man’s passion subsided, and as he recalled old “ ’49’s ” deeds of kindness in the past, he felt remorse and profoundest pity.

So they laid "'49" on his bunk in the corner, behind the faded calico curtains, and coaxed him back to life and consciousness.

How he wanted to embrace his boy ! But the lad seemed so cold, so distant and hard now. He had never seen him so before. Once he tried to sing the old song. But he had no strength or voice. Then he thought he would say over to himself the lines, and let his boy hear him as he bent over him. He thought he would say them low and softly and not above a whisper at first. Then he whispered to himself, and slept unheard, even as he breathed :

" For life is none too long, love,
And love is none too long."

Then he dreamed. He dreamed of her. He had returned with gold. With heaps and heaps of gold. He saw her standing by the mantel, with head bowed, just as of old. He asked her for their baby that he had left in that cradle, and she pointed through the window at an empty bird's-nest in an apple tree. Then a tall, bearded boy embraced him, and called him father. Then he dreamed again of gold. Gold ! gold ! Heaps and heaps of gold ! This awakened him, and he got up. Then he crossed on tip-toe to where his boy sat sleeping in the corner, put back his hair, and tenderly kissed his forehead.

It was dawn now, and, rousing Carrie, who had gone to sleep with her arms about the dog's neck, he bade her awaken young Devine.

CHAPTER X.

SO WEARY !

It seems to me that Mother Earth
Is weary from eternal toil,
And bringing forth by fretted soil,
In all the agonies of birth.
Sit down ! Sit down ! Lo, it were best
That we should rest—that she should rest.

I think we then should all be glad,
At least I know we are not now ;
Not one. And even Earth somehow
Seems growing old and over-sad.
Then fold your hands, for it were best
That we should rest—that she should rest.

WHETHER it was the old man's dream of heaps of gold, or the young man's reviving hopes of striking it yet, that persuaded him to enter the tunnel once more, I can't say. Certain it is that as "'49" took up his gun and hobbled off to make provision for dinner, Devine again shouldered his pick and returned to the tunnel, while Carrots, as usual, wandered away up on the hill to find flowers for her lover and "'49."

On this particular day the gay and dashing Gully came down the trail and stood in all his splendor in the empty door-yard before the cabin. He was engaged in talking to himself.

"Lucky ! Better born lucky than rich any day. Lucky ! why, they called me Lucky Tom Gully on the Mississippi steamers when I was a gambler ; Lucky Tom

Gully when I was a loafer in Chicago ; and I had not been in the mines a month till the miners called me Lucky Tom, by intuition—Lucky !” And here he lighted his cigar. “ I’m to be married to Belle to-night. But, somehow, I don’t feel quite solid, with that young fellow and ‘ ’49 ’ at sword-points. I must make up with them. I must ask them to my wedding. It’s a bold stroke. But it is the bold stroke that wins. Poor Charley Devine ! I quite paralyzed him with my boldness when he first came to the camp. He has not spoken to me since. Poor simpleton ! Pegging away in that old tunnel, without a cent, or even a coat to his back, or shoe to his foot.” As he puffed away and lifted his heavy face to the splendor of the mighty mountains about him, he heard Carrots singing gayly in the crags above.

“ Carrots ! Why am I afraid of that girl ? Afraid ? Yes, it is fear that drives me to make friends with them—all three—after doing all I could to destroy them. An honest set of idiots, that I hate, and yet fear.”

Carrots came down from the rocks, carrying a basket in which was a loaf of bread hidden by flowers and evergreens.

“ Hello, Store-clothes !” she cried. “ Now, what do you want in old ‘ ’49’s ’ door-yard ? Better not get inside. A bulldog is there !”

“ Hates me as bad as ever, I see. It’s not safe to have such enemies.” Then approaching the girl and affecting gentleness, he added : “ Carrots, listen to me. I’ve come to ask you and ‘ ’49 ’ and that other fellow to—to my wedding.” The gambler, all hardened as he was, stumbled at the last word.

“ You don’t say so !” cried Carrots. “ Well, I don’t think ‘ ’49 ’ and ‘ that *other* fellow,’ as you call him, will

come to your weddin'. But, I'll tell you what I think they would do, if you would ask 'em."

"Well, my dear little wild flower, what would they do if I asked them?"

"Well, I'll tell you. I know they won't come to your weddin'. But they would both be powerful glad to come to your funeral."

"Bah!" and a flash of malicious hatred came into his eyes.

As she spoke Colonel Billy, the blazing comet, came upon the scene. But he had taken a vaster orbit now. The "Vigilantes," or rather a set of sleek villains, under shelter of that honored appellation, had taken possession of the camp and banished all idlers, which included all persons hostile to themselves.

"Banished! Banished by the Vigilantes at last!" gasped the comet.

"What! driven out?" said Gully, with affected pity; and then, chuckling, added to himself, "My work. He is not *for* me, and is, therefore, against me. He must go."

"Yes, new people come, call themselves Vigilantes, and drive us old ones out. It's rough, it's tough. Total wreck—total wreck."

"Well, Colonel Billy," said Gully, "shake hands and part friends. But it's too late to set out on a journey with your blankets to-night. What! Won't shake hands?"

"Not with you, I reckon. Not with you. Pretty low down—total wreck—but never shook hands with a man that shook his friends, and never will."

"What do you mean?"

"I mean you are a Vigilante. Yes. I know you by—by—the pure cussedness that's in you."

"Why, I—I am not a Vigilante. I am—"

"A liar."

"What?"

"Stick to it, Billy!" cried Carrie, as she handed him the knife with which she had been cutting flowers. "He is a Vigilante, and the worst of the lot." And the girl's face was aflame.

"You are!" shouted the colonel, flourishing his knife. "And you are the man that's been sendin' off all '49's' friends one by one, one by one. And at last you'll send *him* off, and then Dandy. Oh, you've got devilment in you bigger than a mule. But I'll go. Total wreck—total wreck. I'll see old '49' just once more and go. For he too is played out. An old miner that never did any harm. That for twenty-five years dug out gold from the Sierras to make the world rich. But now—never mind. I'll go. I'll go. Total wreck." And he dropped the knife on the table and stumbled down the rocky trail.

"Now, do you see what kind of a critter you are?" sobbed Carrie. "Poor, poor old Colonel Billy! Why, if he owned the whole Sierras, and you come and wanted it, he'd give it to you. And here you come," she added, indignantly, "and he must go. You won't let him have even a place to lie down and die in."

"Carrots, don't be too hard. The man is sent away because he has no visible means of support. All such men must leave the camp. I am going to get married and settle down, and I want a respectable neighborhood."

"Well, we can't have that while you're around."

"No?"

"No! Guess you'll go after '49' and Charley next. But if you do, look out for lightnin'."

"No, I won't ; all such honest and industrious fellows like them will remain, and I will make friends with them."

"Bet you a forty-dollar hoss you don't make friends with them."

"Oh, but I will ! I am going now to the tunnel to find Charley and ' '49,' and I'll bet you a new silk dress they both come to my wedding. Good-by for a few minutes. I will see Charley, and you will all come to my wedding to-night." And he hurried away.

"To-night !" mused Carrots to herself, as she still arranged the flowers for Charley. "To-night ! And that nasty Belle is to be married to-night. Well, it's about a match, I guess," and as she trimmed the flowers, she sat at the table singing an old negro melody. She arranged the leaves in the basket, and made her bouquet very picturesque, and set it in an old can on the table. "That bucket's for his dinner. Wonder where I got that song. Think I knowed it always," she muttered ; and she recommenced it.

The flaming comet returned, poking its fiery nose in the little girl's face. He was drunk and happy.

"That ain't ' '49's ' Christmas song (hic)—that ain't."

"What ! Not gone, Colonel Billy ? I'm glad of that."

"I got a drink (hic)—a farewell drink—down at the forks of the trail ; a real, genuine, good farewell drink (hic). Feel better. Won't go at all now."

"Good. You stay right here. This is the centre of the earth."

"It is. Why, I couldn't leave this place nohow (hic). I should go round, and round, and round, like the sun around the world, and never, never git away. No ! I guess I've dug holes enough in the Sierras to entitle me

to a grave. And I'll stay, (hic)—go right back to town and stay. If they want to hang, let 'em hang. Don't care anything to be (hic) hanged !” And the poor old colonel tottered on up the trail.

A few moments passed when young Devine suddenly dashed in, holding a package of papers with a big red seal ; he was fearfully excited, and looked back over his shoulder, like one pursued.

“ Why, Charley, how excited you are !”

“ No, no ; never mind that ; where is ‘ ’49 ’ ?”

“ Why, he *was* to town, and I heard him ask the store man for credit, and the store man said he couldn't have even a cracker any more. So he went off with his gun to get somethin' good for our dinner, I guess. But what's the matter, Charley ?”

“ Nothing ; nothing, my child—my darling. But can you keep a secret ? Oh, I do wish ‘ ’49 ’ was here. Can you keep this for me ? Keep it as you would keep gold.” And he gave her the broad package of papers. “ You will keep it and the secret ?”

Silently the girl hid the papers in her bosom.

“ Thank you ! Thank you, my—my—my—love, my life. Yes, yes, I love you, poor, pitiful little waif of the camp, with all my heart. But there, I must go back to the tunnel to my work. Tell no one I was here. Do not even whisper it to ‘ ’49.’ There !” and eagerly, wildly, he kissed her. “ Good-by ; I will be back soon, soon, soon.” And the excited man dashed away as he came.

“ He kissed me ! And he loves me ! Oh, my patience ! Kissed me, and kissed me, and kissed me ! Kissed me three times at onct. It took my breath away. Oh, I'm so happy ! He gave me this to keep. I wonder what it is ? And I wonder what the secret is ?

And what the trouble is? Trouble? Trouble? No; there is no trouble now. There can never be any trouble any more now, for Charley kissed me."

As she talked to herself, "'49" entered the door-yard with a hairy ring-tailed coon, his gun on his shoulder. "Hello, Carrots! Goin' to sing the old song for me?"

"Yes; and I won't never go to old Mississip no more."

"That's right. You stay right here, and when I strike it—ha, ha!—but won't you kiss me?"

Carrots was a long time arranging her mouth; she shrugged up her shoulders, laughing as she remembered Charley's kisses.

"Yes; oh, yes. *There!* I wanted to—to—to—kiss somebody again!" "'49" started, surprised. "Does it? Do you? Did it—did it do you as much good to—to— Do you like as well to be kissed as—as— Do you feel as splendid as I did when—when— Does it make you tingle all over, and feel comfortable and warm, and summery, when—" And here the girl hid her face, and then whirled about and laughed in the old man's beard till she cried.

"Why, what do you mean?"

"He—he—he—he kissed me; he—Charley."

"Go—go—go—'long."

"Yes, he did. And he said he loved me, and he has gone back—" Then, suddenly and very seriously, she said, "No, he—he—he wasn't here to-day; it was yesterday—to-morrow!"

"Well, I don't care when it was or where it was. He's an honest, square boy; and when we strike it in the tunnel, I'll make you rich, rich. But it's rough times now. Hain't seen such times since '49."

“ ‘ ’49,’ tell me somethin’. Didn’t you never love nobody ? ”

“ Why, why, yes, my girl. I—I loved my mother.”

“ I wish I’d a had a mother. But, I reckon, I never had. No, I guess I never had a mother, ‘ ’49.’ ”

“ Never had a mother to love ? ”

“ No ; guess that’s why I love Charley, ain’t it ? But, now, come, ‘ ’49,’ didn’t you never have anything to love besides your mother ? Not baby in the cradle ; eh ? ”

“ My child, don’t ask me that—don’t.”

“ Why I won’t, then, ‘ ’49,’ if it hurts your feelin’s. But I kind o’ like to talk about such things now.”

“ Well, what is it I can tell you about now ? ”

“ Why, about yourself. You are always shut up just as tight as a bear in winter-time. Weren’t you never young ? And didn’t you never love no girl like me ? ”

“ Yes, yes, yes.”

“ And she didn’t love you back ? ”

“ She did ! God bless her ! ”

The girl left her flowers and crossed over to “ ‘ ’49.’ ”

“ And why didn’t you live with her, then ? ”

“ Now, Carrots, you’re liftin’ up the water-gates, and you’ll flood the whole mine,” he replied, in a weary and half-bewildered tone.

“ Well, I’m so sorry, ‘ ’49.’ I’m so sorry. But I want to know. I’ve got no mother to talk to, ‘ ’49,’ and I—I want to know how these things come out. Tell me about it, please tell me about her.”

“ I will tell you, my honest child, I’ll tell you some time.”

“ Well, sit down on this rock here. Tell me now, won’t you ? ”

The girl half led and half forced the feeble old man around and down on to a great flat rock in the door-yard ;

and so, flowers in hand, sank down at his feet, with her head almost in his lap.

As if not heeding her, the man looked at the flowers, and caressed her tenderly.

"And you like those little winter flowers you have gathered from the rocks for Charley and me? The lowly little flowers?"

"Yes, yes, they are so lowly; and they ain't bright. But they're so sweet, '49.'"

"True, true! My child, in this cold, hard world the sweetest flowers are lowly. The sweetest flowers grow closest to the ground."

"And you did love her? Tell me, '49,' tell me."

Still, in an evasive mood, the old man tried to escape the curious little maid, as he said:

"And Charley's got a sweetheart?"

"Yes, he's got a sweetheart, and I've got a sweetheart. Now, didn't you never have a sweetheart, '49'?"

"No, no, no—shoo! Do you—you think it will rain this evenin'?"

"I don't know, and I don't care. I know I've got a sweetheart, and Charley's got a sweetheart. And didn't you really never have a sweetheart, '49'?"

"My child, I—I—yes, I'll tell you. I never told anybody. But I'll tell you, and tell you now; and never, never do you mention it any more, for I can't bear to think about it," and his voice quivered.

"Why, poor, dear '49,' you're all broke up—why, I didn't know you ever could cry."

The old man's rugged cheeks were dashed with tears as he began between his sobs to tell his story in broken bits.

"Well, you see that poor wife leanin' her head on the mantel there—she stands before me all the time when I turn back to think, and it makes me cry."

" But *she*—she was good and true ?"

" Good and true ? Good and true ; and pure as the gold I'm to find in the tunnel and make you and Charley rich with, my girl."

" And you will never see her any more ?"

" Yes, yes, when I strike it in the tunnel. But, then, you see, it was so long, so long, so long ! When I began that tunnel I was certain I'd strike it in a month—then I said in a year. And all the time the little boy-baby crowin' in its cradle, and its sweet mother bendin' over by the mantel waitin', waitin', waitin'."

" Dear, dear old '49.' "

" You see, we Forty-niners never knowed much of books, or were much for writin' letters. And then, you know, we wanted to surprise 'em at home. And so we didn't write, but kept waitin' to strike it, and go back and surprise 'em. A year slipped through my fingers, and another, and another, and another, and another. But I'll strike it yet. I'll strike it yet."

" Oh, I'm so sorry ! I wonder if Charley—well, I'd never let Charley go off like that—no, sir'ee !"

" But there, there ; never mind. I'll see her yet. Yes, I will. And you are goin' to be rich, too, some day. Olt, I will strike it yet. You will be a great lady some day, see if you won't. But we must get dinner now." And here he put the girl from before him, as he rose and picked up the coon. " It is goin' to be a glorious good dinner, too."

" What are you goin' to have ?"

" This—coon !"

" What's Charley goin' to have ? He's been workin' in the tunnel all day."

" He's goin' to have coon, too."

" But he don't like coon."

"Why not? Coon is better than horse, or mule, or dog. I've tried 'em all. I have been here since '49, and I reckon I ought to know; coon is the best thing, for this season of the year, in the world. I have just been yearnin' for coon, just been pinin' for coon. Set the table, Carrots." Then, going to the cabin and holding up the coon, and talking to himself, he said: "Oh, why did you cross my path? Why wasn't you a deer, or a grouse, or a rabbit, or a squirrel, or anything in this world but a horrible, greasy, ring-tailed coon?"

"Poor old '49!" and he loves her and he left her, too. If Charley should leave me like that, I'd—" As Carrie was thus musing alone Devine came up from behind.

"You'd what, my pretty pet?" said the young man, as he threw down his pick and specimens and stooped to kiss her.

"Oh, Charley! Didn't think you was in a thousand miles of here, or I wouldn't have been thinkin' about you at all."

"And really you ought not to think about me. I'm not worth thinking about; so much trouble—so much trouble," he added, sadly.

"Why, what trouble can there be, Charley? If you love me, and—and I love you, and all this beautiful world is ours to love in, why what trouble can there be? But I must set the table now."

Devine kissed his hand to her, and sat on the rocks reading a letter just come in from Lawyer Snowe, as she set the table and sang.

Then suddenly she stopped, and, looking up archly, said: "Oh, Charley, did you hear the news? Belle and—stop a minute! Will you take the news a little at a time, or all in a heap? Well, then, here goes, all at once! They are to be married to-night!"

It was embarrassing news to the young miner.

"Belle to be married," he mused, "to that man ! And what will Snowe think of *me* ? He must have heard it somehow, and that is why he comes, post-haste." And he again referred to the letter just received.

"And you used to like her, didn't you ? You used to try to get close to her, and say things, didn't you ? You liked her and she liked the other feller. That's just always the way. Nobody never likes anybody that anybody likes."

"I never loved Belle."

"You never loved her ?"

"I did, and I did not.—Listen : a man with a heart must love something. Love—the love of woman—is as necessary to a real man as the sunlight to a flower. But until a man meets his destiny, reaches his ideal, he must reach out to that which is nearest ; as the vine climbing feebly up to the sun lays hold with its tendrils on whatever it can, so the heart of a man takes hold of the highest nature that comes near his, and there awaits its destiny. Jealousy is born of an instinctive knowledge of this truth."

The girl started away and then came back. "Hey ?"

"You don't understand ?"

"No ; that's all Modoc to me."

"Well, you will understand some time. So run along now. I am sad, and must sit and think."

"All right ! Just so you don't think about Belle."

"Hello, Charley !" said "'49," with a cheer and tenderness that meant much, as he came stooping out from the cabin, where he had been preparing the coon for dinner. "Whew ! Coon without ingerns, without crackers. I ain't seen such times, Carrots, since '49. Them flowers smell so, Carrots ?"

"I don't smell nothin', except Lucky Tom."

"I am as hungry as a wolf, '49.' What have you to-day for dinner?" asked Devine.

Here Carrots caught up and handed her flowers to Charley. She thrust them in his face for fear he would smell the coon.

"I brung 'em—I brunged—I bringed—I—brought 'em—from the mountains—away up against God's white snow."

"And you are His angels sent down from the shining gates. California flowers! How beautiful! When my—what is that I smell?"

"Flowers!"

"No! That's the coon," said "'49," grimly, when he found he could no longer conceal the truth. "We will have coon for dinner. It is a dinner fit for a king—coon straight!"

The young man saw their embarrassment, and tried to laugh as he said: "If it tastes as it smells, I am afraid I don't want any coon straight."

"Yes, guess it is the coon, Charley; I thought at first it was the flowers. It smells strong enough. Smells stronger than Lucky Tom," said Carrots.

"Now, look here, both of you. Just listen to me. There's a certain time in the year, in this peculiar, glorious climate, when you require a change of diet—when you require coon. I have been here since '49. I reckon I'd ought to know."

"Of course he knows. He's right. He's always right. I know that coon—is—well, coon is coon, Charley," added Carrie.

"Yes, that's a fact. Why, you couldn't get such a dinner as coon straight in New York for love or money.

No, not even in London," cried brave old "'49" with splendid enthusiasm.

Carrots was busy all this time setting the table.

"There's the salt and the mustard, and where's the pepper? "'49,'" she cried, "where's the black pepper? Oh, here's the black pepper. And here's the red pepper. And here's the gray pepper." And with stately and graceful ceremony she set each in its place on the rickety old table, singing snatches of old negro songs.

"Black pepper, and red pepper, and white pepper, and gray pepper. Anything else?" laughed Devine.

"Yes—yes! Here's the toothpicks. What magnificent toothpicks for this season of the year! Ding dong, ding dong. First bell." Here "'49" brought in the coon.

"Brave little Sunshine, let's make the best of it."

"Will you allow me?" said Devine, and bending down he crooked his elbow and conducted her to the table.

"It's a grand thing to live in a country where you can get coon whenever your health requires it," said "'49."

"It is a delicious coon, Charley," replied the girl, as she pretended to eat greedily, holding her head aside, pretending to be afraid lest the pepper should get into her eyes.

"It is a grand dinner," said "'49."

"Some bread, please," asked Devine.

"Eh?"

"You forgot the bread."

"I didn't forget the bread, Charley. You never eat bread with coon. Coon and bread don't go together.

Injins never eat bread with their coon. I've been here since '49, and I ought to know."

"But I am not an Indian, and I can't eat this coon without bread."

"You don't expect to get everything—coon and bread—and—everything at once, do you?" cried Carrots.

"But I can't eat this without bread!" exclaimed Devine.

"Look here; be a good boy and eat your coon, Charley," urged the old man.

"Hungry as I am, I can't eat this."

The old man laid down his knife and fork. Rising slowly and sadly, he said, from the bottom of his brave old heart:

"Well, then, listen to me. I have done the best I could. I tried to hide it all from you, but I can't any more. A good many times, lately, I have said I was sick, and I didn't eat. It was because there was not enough for both of us. I wanted you to eat and be strong, so that you could strike it in the old tunnel. Now, there is nothin' more to eat. Nothin' more for any one. Charley, more than twenty years I worked on in that old tunnel there—all alone—till you came. I believed every day that I would strike it. All my companions are dead, or have made their piles and gone away. All along the long and lonely road of my hard life, I see, as I look back, little grassy mounds—they are the poor miners' graves. I am the last man left. The grass every year steals closer and closer down about my cabin door. In a few years more the grass will grow over that door-sill, and long, strong, and untrodden it will grow in my trail there; the squirrels will chatter in these boughs, and none will frighten them away—for '49' will be no more! And yet, for all that, I have

never complained. I did believe, and I do still believe, we will strike it yet. But now—but now ! If you love me, eat your coon !”

There were tears in Charley’s eyes as he cried :

“ My dear old partner, forgive me. Why didn’t you tell me of this before ?”

“ If you love me, eat your coon—”

Carrie looked from one to the other. Her lip was trembling. Tears were on her long, heavy eyelashes. Yet she tried to laugh.

“ Take a toothpick, then,” laughed the girl. And then, suddenly serious : “ I didn’t mean that, Charley. You shan’t be without bread. Here !” and she took the loaf from the basket under the table.

“ Why, where did you get this ?”

“ Up there, of *her*—old Mississip.”

“ Then it’s her bread, and we won’t eat it,” said “ ’49.”

“ It ain’t her bread. It *was* her bread, but I stole it, and it ain’t her bread any more. I knowed, ‘ ’49,’ you had no bread. They’ve got lots of bread, and I don’t care that”—and she snapped her fingers—“ for the whole lot. Why, it wasn’t nothin’, was it, Charley ? If it was, I won’t never, never steal any more.”

Charley shook his head. “ It was stealing, you know,” he said, gravely. “ But I am not fit to reproach you. No ; God knows, not I. That man Gully came to me to-day, taunting me with his good fortune and my misery. He came in that tunnel to taunt me. And there, man to man, I fought him, threw him, weak as I was, ‘ ’49,’ and took from him a package of papers. I gave it to her to keep.”

“ Why, my boy — what ? What do you say, Charley ?”

"I knocked him down and took a package of papers from him."

"Yes, and I'll keep 'em, too!" shouted the girl, as she struck her breast.

"Charley, Charley!" cried "'49." "Beware of the Vigilantes! The conscience of California! The Vigilantes!"

"Well, I'll keep 'em till the cows come home, Vigilantes or no Vigilantes," answered Carrie, sulkily.

"My poor, poor boy!" said "'49."

"Gully is one of the Vigilantes, "'49,'" said the girl, suddenly starting up after a moment.

"Yes, and so merciless! Give me that package, girl. I will keep it."

The girl handed him the package, while the young man timidly asked:

"Why, what will you do with it?"

"When they come for it, boy, as they *will*, I will give it up. Yes, that's right, Charley. That's squar'! They won't, you know—they won't dare to hurt *me*. Why, I've been here since '49. They won't hurt me, boy. I'm old "'49.' Oh, they won't hurt *me*." His affected cheerfulness as he spoke was pitiful to see.

"You take a great load off my shoulders, "'49.' Let me tell you that I was robbed of those very papers, which made my mission here worse than useless. I wrote back to the hard old lawyer, and he has answered gruffly that he will come on and tend to the business himself. He may be here at any moment, and he may find me accused of robbery when he comes."

"There, there, pard," cried "'49." "It's all right, it's all right. Now, Carrots, a little song—one of your pretty little negro melodies that you say you was born a-singin'."

Just as Carrie was about to sing she glanced down the trail and paused ; her eyes opened to their widest extent.

“ The Vigilantes ! ” cried the girl, as she looked down the trail over her shoulder. All started to their feet as they heard a sullen tread. The Vigilantes strode into the yard, Gully at their head.

“ There ! ” he shouted, as he pointed at Devine. “ That’s the man that robbed me.”

“ You are the prisoner of the Vigilantes ! ” said the captain of the company. “ Iron him, men ! ”

Here the old miner’s voice rang out :

“ Stop ! One word ! You all know me. I’ve been here since ’49. This boy—what do you want ? ”

“ The man who robbed me of my papers,” shouted Gully.

“ We want the robber,” said the captain, respectfully.

“ Yes, we want the robber. I want my papers,” roared Gully.

The old man snatched the papers from his bosom, and as he held them aloft cried : “ Here they are, and—I am the robber ! ”

“ What ! *You*, old ‘ ’49 ’ ? ”

“ Yes, I ! Old ‘ ’49.’ ”

CHAPTER XI.

VIGILANTES.

The morning must succeed the night.

All storms subside. The clouds drive by.
And when again the glorious light
From heaven's gate comes bursting through,
Behold ! The rains have washed the sky
As bright as heaven's bluest blue.

THE SUN next morning burst over the mighty Sierra summits to the east, and down into the little mining camp, in possession of the so-called Vigilantes, with a glory and splendor unknown to any other land on earth. What cares nature for the petty battles of poor, scheming, plotting, and ever unsatisfied man ?

Snowe had come post-haste as he had promised. He had established himself for the night, along with old black Sam, in Mississip's hotel, while "'49" was kept a prisoner in his own cabin by the Vigilantes, waiting trial for his life.

"'49" had not even yet had the heart to reveal himself to his boy. He would "strike it" yet in the old tunnel, and then, with heaps of gold, he would take him to his heart.

Devine had left "'49," with Carrots at his side, under guard in his own cabin, and sought the shrewd but crabbed old lawyer. The two were returning to the cabin together, where "'49's" trial was to be held. The young man was full of concern. He knew better than

did the old lawyer how quick, merciless, and cruel are the Vigilantes.

"These Vigilantes," he said to Snowe, "are blood-thirsty ; I am so afraid he may have to suffer."

"Nonsense. Never fear. I never lost a case or made a mistake in my life. No, sir. Never lost a case," retorted Snowe.

"It's fortunate you came. Of course, he has no money to defend himself with. But I tell you he is innocent. And rather than see him suffer, I will proclaim myself the guilty party. You will, you *must*, save him. If he dies, I die with him."

"Stuff ! gammon ! rubbish ! You've got to live ; go to-night to your mother at the railroad station. Left her there till I could come on and fix up this bother about the heiress. She wants to see you, you young rogue, of course ; only two hours away, but it's awful 'stage-ing.'"

"Yes, I must see my mother ; poor, dear mother. But *you* will save ' '49 ' ?"

"Save him ! Of course I will save him. I never made a mistake, and never lost a case, I tell you."

"Oh, I am so grateful, so thankful you have come," and tears stood in the young man's eyes.

"Yes ; you see your mother got alarmed about you when we got your letter. And it did seem to me you had made a fool of yourself. Yes, *fool*—that's the word. Why, I'd just like to see these Californians twist me around their fingers as they have you. I'd give them law ! law !! Yes, sir, law ! And now, let me see this old ' '49 ' !"

And the brusque and blustering old lawyer attempted to enter the cabin. The guards crossed their guns on his breast.

"I am a lawyer; must see the prisoner; client of mine. I'm a lawyer—lawyer. Do you understand?"

"A lawyer, humph!" muttered the captain.

"Judge Snowe," whispered Devine, "it is useless to tell them you are a lawyer. — Vigilantes never allow lawyers to interfere or even be present at any of their trials."

The old advocate was for a moment struck dumb.

In grim silence the guard hustled him off down the trail, black Sam limping after him.

"A lawyer! He must be a stranger in California. A lawyer to interfere with the Vigilantes! Why, we'd never get done," muttered the captain, as he turned and began to read some papers.

"The last hope gone!" sighed Devine, as Gully, entering, shook hands and talked aside with the captain.

"Well, Captain Hampton, I say, bring him out, and give him a fair trial," said the wily villain, with a smirk.

"You will not, you *dare* not, take that old man's life!" gasped Devine, aside to Gully.

"I? No. Of course I shall not attempt any such thing. The law—the honest miner's law—the law of the Vigilantes must take its course. If a man can be knocked down in this camp and robbed of his property, it's time we knew it."

"But you know he is not guilty."

"Listen. You and I know a great deal more, perhaps, than either of us care to tell. If this old man prefers to die in your place, I am the last man to rob him of that privilege. Yesterday I reached out the olive branch. You chose to knock me down and rob me. He chooses to take the responsibility of your act, trusting his gray hairs will save him. Well, I hope they

may. We let him rest all night in his own cabin. We will give him a fair trial now."

"You, with your mockery and show of justice, are the devil incarnate," hissed Devine.

"Bring the prisoner out and place him at once on trial," ordered the captain.

The guards opened the cabin door ; "'49" came forth from his cabin between the guards, followed by Carrots, weeping.

"Pretty hard on the old man, eh, Carrots?" sneered Gully.

The girl turned on him suddenly, the fury of a tigress gleaming in her expression. Her hands were clinched and her eyes aflame as she cried :

"Now, look here ; "'49' never wronged anybody in his life. He didn't rob you. He didn't hurt your head that way, and you know it. You got drunk at your weddin' last night, and fell into a prospect hole. Wish you'd broke your neck."

"Have you any witnesses for your defence?" asked the captain, in kindly tones, to the silent old prisoner.

"Yes, he has !" cried the girl, as Colonel Billy tottered up the trail.

"What witnesses?" asked Gully.

"Total wreck !" answered the colonel, taking his place beside "'49."

"Hello ! Come back to be hung, have you ? What can you swear to against his open confession ?" cried Gully.

"What do you (hie) require a gentleman to swear to ? I'll oblige you ; nothin' mean about old Colonel Billy (hie) in a case like this."

"I tell you, boys," cried Carrots, as she turned and appealed to the miners, "he didn't do it. "'49' hasn't

been in that tunnel for a month. His back's too stiff ; got rheumatix. Why, he can't stoop down." And here she bent her neck and reached her face to "'49," who had seated himself on a rock, and whispered sharply in his ear : " Say yes. Don't shake your head like that. Yes, he's got rheumatix so he can't get up when he's down, and he can't get down when he's up. And the idea that he could whip that yaller dog there !"

" Carrots, don't—don't call names," protested "'49."

" Well, he *is* a dog, and a yaller dog at that. And a yaller dog is the meanest kind of a dog. Yes, yaller dogs sucks eggs," shouted the furious girl.

" Well, I'm a witness. I swear that "'49' didn't do it. I swear that the (hie) yaller dog did it himself," blurted out the colonel.

" No, no ! It's all right, boys. It's all right. He has been robbed. It was bad, bad. I'm sorry. But he got it back ; and I don't deny it," said "'49."

" But you shall not suffer for my—my—" interposed Devine.

" Shoo ! speak low. And listen to me, Charley. In the right-hand corner of the further end of the tunnel—I saw by the rocks only yesterday that we are on the edge of a vein, a seam, a river of pure gold."

" Bad, bad ! It's in his head again," said the colonel to himself, as he tapped his forehead.

" My dear old pardner, let us forget the tunnel," pleaded Devine.

" Forget that tunnel ? Forget my twenty-five years of life wasted there ! My wife ? My baby in the—" He stopped and shook his head, and then said to himself : " No, there is no baby there now. The baby is here. Charley, I have a favor to ask," he continued. " You will do it ?"

“If it costs me my life!”

“No, it's not like that. You go now, right now, into the tunnel and bring me the last quartz specimen that fell from your pick—”

“But I cannot leave you.”

“Stop! You said if it cost you your life. And yet here you refuse to—”

“Forgive me. I will go. But whatever happens you shall not die.” And the young man, after whispering a few words in Carrie's ear, bounded away in the direction of the tunnel.

“There's a great lawyer come, ‘'49,’” said Carrots, hopefully.

“I don't want no lawyer. I want you to listen to me, Carrots.”

“Yes, I am listening all the time. What is it?”

“Carrots, in the furthestest right-hand corner of the tunnel—” But the crowd was impatient. The Vigilantes were waiting, and Gully, who had been conferring with the captain, came forward and said:

“Well, if you all insist, of course we must proceed. Have you any other witnesses?”

“I have no witnesses but myself, accusing myself.”

“Yes, you have (hie) plenty of witnesses. I am a standin' witness. I swear that I was with ‘'49' all day yesterday, every minute.”

“Can you swear to that?” asked the captain, eagerly.

“Certainly (hie) I can, and I do.”

“Hold up your right hand.”

In a loud voice, and holding up his left hand, the colonel testified; “I swear that ‘'49' and me yesterday—”

“Hold up your right hand.”

The colonel turned around and shifted his old hat

from right to left, and from left to right, and again held up his left hand.

“ I swear—”

The captain became angry and impatient, and, forcing up his right hand, roughly cried, “ Will you be sworn now ?”

“ No ; I’ll be hanged if I’ll be sworn.”

All for a moment was still. Then the captain signalled Gully to tell his story.

“ Well, upon the oath of our Order, I swear that on last evening, I, on this very spot, after I had been robbed, accused a party of robbery, and that this old man drew this package from his breast, which had been taken from me not an hour before, and said he was the robber.” And, with a great flourish, the pompous and highly-perfumed gentleman threw the papers on the table.

“ No, I was there. I heard it all, and I swear he never said it,” cried Carrots, springing to her feet.

“ Did you say this ?” asked the captain, kindly, for he preferred “ ’49’s” word to Gully’s oath.

The old man answered, bowing his head, “ And I say it now.”

“ You hear him ?” shouted Gully, as he stood in line with the Vigilantes.

There was a silence and a solemnity that were painful. The honest and kindly captain of the Vigilantes, uncovering his head, solemnly asked : “ What shall be his sentence ?”

“ Death !” answered the first Vigilante, uncovering.

“ Death !” answered the second, solemnly.

“ Death !” said the third, with bowed head.

“ Death !” sadly murmured the fourth.

“ I vote for life,” said Gully, as the captain called

for his vote, "but, you see, my voice is powerless. The majority rules in our Order."

"I am satisfied," said "'49," calmly.

"No, no," cried Carrots, appealing to the Vigilantes. "He is my father, my mother, my all! If you take his life, you will kill me."

"Now just (hic) look at that poor gal," hiccoughed Billy. "Here! He's some account. If you want to hang anybody hang me. Nobody cares for me. (Hic.) Total wreck! Total wreck!"

"Take this man away. He ain't worth hanging," said the captain, impatiently, as he pushed the intrusive comet on in its orbit about the camp.

"Pretty low down, boys; pretty low down (hic); ain't worth hangin'. Ain't worth hangin'. Total wreck! Total wreck!"

"But I tell you I will come in! I ain't a lawyer. No, I ain't. I am a witness. Yes, I am a witness." And, fighting the obstinate guard with his umbrella, Snowe, with black Sam at his heels, was once more upon the ground. Charley did not go back to the tunnel to seek for the mythical heaps of gold, but found the old lawyer, and persuaded him to return.

"Yes," said Sam, getting behind Snowe. "Yes, he's a witness. He ain't no lawyer dis time, he ain't. He's a witness, sah."

"Snowe, by the seven fiends! But what of it? I've got the girl. I can afford to laugh at them all now!" cried Gully, pale as a ghost and with quivering lips. He had been too busy with his schemes of villainy to perceive the newcomer.

"Yes, I'm a witness. Keep me back if you dare, and I'll send the last mother's son of you to State prison. Yes, I'll give you law, law, till you're sick

of it," shouted the lawyer, with a flourish of his umbrella.

"But you ain't no lawyer—shoo!" whispered Sam in his ear.

"No, no! I'm a witness." He crossed to the table, took out his glasses, and gazed at the papers with a long and curious gaze. Then sniffed the air, took off his glasses, polished the crystals with his coat-tail, and then, doubling them up, took in a long breath.

It was Gully who was troubled now.

"Great heavens!" he muttered, as he advanced cautiously. "I must get those papers from that table or I am lost."

"No! I'm a witness!" shouted Snowe suddenly in his startled ear. "Not a lawyer; a witness!"

"If you will let me have this property of mine—those papers, I—"

"What! Tom Gully, the villainous Gully!" And Snowe put on his glasses to gaze.

"Yes, Lucky Tom Gully. Perhaps you will know me when we meet next."

"Well, I think I shall. But as I rarely visit State prisons, perhaps we will not meet again soon."

Gully disdained to answer, but made an effort to get the papers.

"He wants his papers," said "'49." "It is but right he gets 'em back. I don't deny it, sir. It's hard, just as we are about to strike it in the tunnel. But, sir, you're a lawyer; take the tunnel, and see that Charley ain't swindled out of it, sir."

"Now you just hold on, '49'!" cried Carrots. "Lawyers is smart. And I hearn tell they can make black things look white sometimes. You jest take them papers, Mister, and see if you can't save '49."

Do, do, do ! Them's the papers that makes all the trouble."

Snowe looked at her a moment through his glasses, and then clutched up the papers, as if a bright thought had just entered his brain.

Suddenly the old lawyer stopped, started, puckered his mouth, and gave a long, low whistle of surprise and delight, and Gully knew that at last the tables were turned, that the game was lost. He snatched up his hat, and turned to go.

"What's your hurry, Store-clothes ?" cried Carrots.

"Stop, these are my papers !" roared Snowe. "Gentlemen of the jury ! Gentlemen of the villainous Vigilantes' jury ! Mine ! My papers ! There's my name ! My papers, stolen from me by that man."

"But lawyers are tricksters sometimes," said the captain, after stopping Gully.

"We lawyers are your legislators in peace, your generals in war, and your gentlemen always," and Snowe bowed profoundly.

"And these are your papers, you assert, stolen from you by him ?"

"My papers, stolen from me by that fragrant and highly-perfumed thief. There ! That's my signature. And there ! That's his odor. Smell him ?"

"Yes, and it was I who knocked him down in the tunnel yesterday, and took those papers from him," cried Charley, in great excitement.

"And it served him right," observed the captain, releasing "'49."

"Oh, '49 ! '49 and Charley !" cried the happy Carrots. "I want to kiss and hug you both. I'll hug '49 and kiss Charley !" And she suited the action to the word.

CHAPTER XII.

GNOME-LAND.

In the earth and underground,
Full a mile or more below,
Where the busy gnomes abound,
Where their strange gold houses grow :

Where the smoky gnomes sit grum,
Rabbit-faced, knock-knee'd, and low ;
Where the days may never come,
Where the nights may never go :

There with gleaming rod in hand—
Smitten rock, an earthquake's shock :
A stream of gold, a gladdened land ;
A Moses and the desert rock.

BUT the end was not yet, by any means, with Gully, or the old lawyer, or "'49." Each was still full of purpose and endeavor. The old lawyer must find and save his heiress. Gully must leave Belle to herself, and save himself in sudden and precipitate flight. And old "'49" must strike it in the tunnel, and with heaps of gold claim his son, and forthwith seek the true and tender woman that ever yet leaned her face in her palm and waited, weeping there, by the mantelpiece.

With this purpose, "'49" set out the moment he was released, and taking Carrots with him, once more entered the tunnel to test the rotten quartz that had been discovered there.

Charley followed, with "'49's" gun. He felt that

there was still trouble in the air, and that he must not be unprepared.

He stopped at the mouth of the tunnel, and the old man went on. It had been a bright, warm morning, and the snow was melting upon the mountain. The mouth of the tunnel was dripping more than usual. The girl saw this, and hesitated to enter. Those born on the border, where life depends on caution, are wary of the elements, and are exceeding watchful. Devine, however, noticed nothing unusual, and the girl was silent. As they lingered there, waiting for they knew not what, looking askance, looking down, starting and coming back, saying little nothings, getting bothered and blushing, as lovers will, a rattlesnake slid down the steep, dripping hillside, rattling as he ran, as though fearing a foe that no venom could reach. The young man lifted his gun and shot the reptile through the head.

Carrie at last, as if playing hide-and-seek, and laughing at her own fears, lowered her pretty head, and, darting forward, disappeared in the dark and forbidding tunnel, while Charley shouldered his gun and sauntered away.

She reached the old man. He was stripped to the waist. He was wild with excitement and delight. No, he knew it was there ! It could not escape him after all those years. She had never seen him so strong and supple in her life.

He caught her in his arms and sat her upon a pile of quartz in a corner, and then bowed down at her feet and called her a little queen. He said he had set her on a throne of gold.

How she cried, and how she clung to his neck and kissed him there ; a half mile away, in the dark and dripping earth, she was thinking of what had just passed. He was thinking of what was to come.

Then how they did plan and build their castles of gold ! Building as such castles are always built. For not a particle of gold had as yet been found.

Charley should know nothing about it ! No, not one word, till he was right certain he loved Carrots almost to death. As if she did not know that already !

At last her apron was spread out and filled with quartz, as if it was gold. And "'49," taking the candle from his hat, filled the old hat, as a boy merrily fills his cap with golden apples ; then, taking the candle in his hand, they started for the mouth of the tunnel. They had to stoop over as they groped along. Now and then the old man would stumble under his load and almost fall. Then Carrie would banter and laugh merrily at his tall figure, which was ill-suited for groping along with a great load. And thus stumbling, falling, laughing, and bantering each other like school-children, they drew near the mouth of the tunnel.

Carrie missed a shaft of light, so familiar to them both, as they turned a little angle in the tunnel. But she said nothing. She still tried to laugh, as she stumbled, but it was such a laugh as might come up from a grave. She hastily staggered on a few yards further. She stopped ; then she hurried on, and suddenly found she stood almost to her knees in the cold, muddy water. The girl dropped her quartz with a dull splash, and hastened back to where the old man stood holding up the candle before his eyes and trembling in every limb. The water had followed her back, and was rising fast.

She took the candle, which was about to fall from his trembling hand. They looked each other in the face, but neither spoke. They both understood too well the awful truth.

She turned and waded down the sloping tunnel till she

stood in the water to her waist. There was no light, no sound—nothing. The mountain-side had slid down and shut them up in a living tomb. No power on earth could roll away the stone. She felt that they would never, never pass through the mouth of that tunnel any more. She returned to “’49” and took him by the hand. “Come! come back!” she said; “see, the water is rising fast.”

“But what can we do back—back there?” pleaded the old man, piteously, as he dropped his quartz and mechanically allowed himself to be led back deeper into the heart of the mountain.

She did not answer. What, indeed, could they do back there, but sit down and wait an hour, and then—die?

Both were silent. He was thinking of his boy. Oh, if he only knew! If he only knew of the gold that was to be his and hers!

She was thinking of the green trees above her, as she groped back ahead of the water that slowly crept along the tunnel after her. She was thinking of the flowers—of the flowers she had gathered for *him*. She was thinking of the bright and beautiful sun.

Oh, but to see the sun again! Oh, but to look up out of a chasm in the earth, and see a single ray of light! Oh, but to be a bird! But to be a squirrel, and leap from limb to limb! Now that the world was shut out from her, she remembered how beautiful it was.

She thought if she could only see a single little flower nodding in the sun, she could sit down and love it, and love it tenderly all her life.

The old man was dazed—helpless. She led him back to the extreme end, and there they crouched down together to wait. To wait for what? Death!

The water came, touched their feet, their knees, the air escaping through the crevices in the rocks above. The candle burned to its socket, and dropped through the iron ring into the water with a strange cry, as if it died in despair.

The tunnel was now totally dark. The girl felt about, and drew up from the water and heaped up a pile of rocks in the highest corner. She placed the old man on this, and sat at his feet. The man put out his long bony arms, wound them about her, and drew her as far as he could from out the water. She felt the cold tide touch her bosom, and then she knew that all would soon be over. "Maybe we'd better try to pray. Can you pray, '49'? Father, can you pray? Then pray for Carrie, for she is not fit to die;" and the girl's heart, for the first time in all her life, began to fail her as she clung to the old man's neck.

"Child! that confession is your prayer for us both." And the two drew closer together—closer together in death, even, than they had been in life.

CHAPTER XIII.

A CLOUD OF DUST.

Ay, you are stricken ! Yes, I know
Your wounds are deep. Silent you bleed,
Alone and mortally. And oh,
Sweet friend, God knows you need
Compassion while you fight and bleed.

But know, dear, stricken, bowed-down friend,
The worst that ever may befall
Is death, which happeneth to all,
Dear, honest, high-born death, sweet friend,
While God stands waiting at the end.

YOUNG Devine had stood a moment leaning on his gun after the girl darted away in the tunnel, thinking of her, her beauty, her simple truth and sincerity, loving her with all his heart. Then he shouldered his empty weapon and started to the cabin. As he did so, there was a crash ! He ran back, and his blood froze with horror as an avalanche from the mountain side thundered down and covered the mouth of the tunnel. The terror that fell upon him at this sight was beyond words.

The young man almost fell in a swoon. Then remembering that the girl was buried there, he tried hard to think what to do. Were they crushed and utterly dead ? Or were they still alive, and doomed to die by inches there ? He looked at the avalanche before him. It would take hours at least to remove it and reach them.

Suddenly the thought of the other side flashed through

his brain — the other tunnel. He remembered the strokes of the pick he had heard so often from that other tunnel—the tunnel of their mortal enemies. He dashed down at incredible speed and around the point, and reached the mouth of it.

There was a man washing out a panful of earth down by the stream in the edge of the willows. Devine shouted with all his might, but the man did not hear. This was drunken old Colonel Billy. The terror of the Vigilantes had made him prodigiously industrious. He had resolved to reform. So he had not time to hear or look up.

Devine turned to dash into the heart of the tunnel where he hoped the two men, Dosson and Emens, were at work.

At that moment these two men were coming out. They were bowed down, loaded down, and were cursing each other and quarrelling fiercely. He set his gun against the wall and darted past them. They did not see him, for the sunlight dazed them; and then they were too deep in their deadly hate. He shouted to them as he ran into the tunnel, but they did not hear.

They were loaded down with gold. They had struck the vein. And these men were but hardened and embittered by their good fortune. Each wanted it all. One hated the other for the fact that the other should have half of this mountain of gold.

As Devine groped on, deeper and deeper into the tunnel, he heard a pistol-shot behind him. He wondered at this. Could they be shooting at him? Then he remembered that they were in a deadly quarrel. Possibly they were at death-grips.

He soon reached the end of the tunnel, for it was not nearly so deep and long and crooked as the other, and

was entranced to find a candle there, still burning in the little iron ring in the wall. He caught up a pick with all the strength and fury of a madman. He dashed his full force against the wall before him. Water was oozing through ; and under his feet where he stood were sheets and seams of shining gold.

Again he struck. Again and again. But the wall was a wall of stone. It had no heart. It had stood there thousands of years amid earthquake and tempest. Why should it yield to his prayers ? He flung down the pick and hastened out in utter despair.

At the mouth of the tunnel there lay Emens, dead. Dosson was gone. The man who had been so listlessly working at the edge of the river was also gone. His great Mexican wooden bowl lay floating in the stream. Old Colonel Billy's hat lay where he had been panning out. Who had killed Emens ? And where was the murderer hidden ?

The dead man lay there with a bullet through his brain. Heaps of gold were around him. His eyes were wide open. He did not care for this gold now. He lay there staring helplessly up to heaven.

But Devine had not time to attend to the dead. The living must be looked after. Leaving the gun still leaning against the wall, he hastened back again and around to the tunnel of old " '49," wild, desperate. He hardly knew what he did now. But the flinty wall before him in the Dosson tunnel had broken his heart with its obstinacy. Breathless he came to the mouth of their own tunnel where he had last seen Carrie enter. Ah ! for help now from enemy or friend ! But no human being was in sight or hearing. And what had become of Colonel Billy ?

Colonel Billy, who had been seen working so indus-

triously on the edge of the willows, near the mouth of the tunnel, had not heard the hot quarrelling, any more than he had heard the shout of young Devine for help. He was working, not only for bread, but for character, and—drink. He was thirsty, and when he was thirsty he could work very hard. He had not tasted whiskey for a half day. He perhaps had not tasted bread for a whole week. Yet that was not such a hardship.

But he *did* hear the pistol-shot. He dropped the great wooden Mexican bowl in the water, and sprang up. He wheeled about, peered forth from the willows, and saw a man reel, fall, and another bend over him. He saw that this was Dosson. He saw, also, that he had a smoking pistol in his hand.

He saw Dosson place his hand on the fallen man's heart, then rise up, look around, stoop, and pick up a load of something from the ground.

Then the cautious old colonel, who could not readily forget the lesson he had received, hid back in the willows, while the other stole down to the water, hitched up his pants, and hastily waded across. He saw this man stoop, look up, down, right, left, and then enter the mouth of an old deserted tunnel that lay there gaping at the sinking sun.

The man had dropped something when he stopped to hitch up his pants. Timidly the old colonel stepped out and picked it up. It was gold! A shining nugget of gold. The earth had opened her stony lips and uttered this. It was as a new-born child to the half-demented old miner. He hugged it to his heart, and started in a run for the saloon.

He dashed, all breathless, into the den. Old men, young men, miners, loafers, thieves, lay around, loafed on benches, or lounged on barrel-heads and kegs.

Colonel Billy was out of breath. He could not speak ; but he thundered the piece of gold down on the pine-board counter, and pecked at his bottle. The gold spoke for him. Poor fool ! Gold to him meant drink.

With one hand the amazed barkeeper handed forth the fullest bottle, and with the other covered the great glittering specimen, and drew it in toward him.

Colonel Billy, with trembling hands, filled the tumbler to the brim, and drained it at a gulp. The boys began to wake up. The barkeeper lifted the piece of gold in the air. It was like a rising sun.

They were awake in an instant, and came rushing forward.

Colonel Billy still held on to the neck of his bottle. He beckoned to the boys, and as he filled and emptied his glass again, they ranged alongside, and drank with haste and precision.

And again they all drank together. Then they crowded around. They pulled the fast-failing colonel this way and that, and asked questions wildly, almost savagely, as they held on to him. If he did not speak instantly, they would tear the secret from his throat. At last he caught his breath, and blurted out :

“Gold ! gold ! Dosson ! Dosson’s tunnel ! Dead ! dead ! dead ! And—and—”

The old colonel caught at the corner of the counter. Then he clutched at the shoulder of a red-shirted miner as he passed. But no one would stop now. The tide passed out and on toward the tunnel, leaving only the barkeeper and Colonel Billy, blind-drunk, behind.

The brave old colonel spun about for a second, as the barkeeper stood behind the counter calmly washing his tumblers, with his eye fastened to the nugget, and then clutching wildly in the air, fell back in a dark corner

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The brave old colonel spun about for a second, as the barkeeper stood behind the counter calmly washing his tumblers, with his eye fastened to the nugget, and then clutching wildly in the air, fell back in a dark corner

between two barrels, and lay there like a man that was dead.

The half-drunken mob reached the mouth of Dosson's tunnel, breathless and wild with excitement. There lay the dead man. There stood the gun. "It's '49's," they cried. It was his gun. And they had seen his partner, young Devine, with that very gun on his shoulder that very hour. Yes, a dozen of them had seen him with that gun on his shoulder as he and Carrots went up toward old "'49's" tunnel! And as he came back, too.

They took the dead man with them, and the gun. There was something terrible in the anger of this half-drunken mob, as they moved on up past the saloon, after again drinking deeply at the expense of Colonel Billy and the nugget, up to the cabin of "'49," bearing the dead man along.

"They knew it would come to this! They knew this feud would end in blood! And then to shoot the man when he had struck it, too!"

"And then to lie at the mouth of the tunnel, and shoot him as he came out from his work."

"To shoot him when he was blinded by the sunlight and could not see to fight." These and like sentiments of old-fashioned justice were heard on every side from the mob.

It was hard. This young man Devine had made few friends. He was a manly man, much like his father in this.

There are men who go about the world making friends, on purpose to use them.

There are men who hoard up friends as a miser hoards up money. There are two kinds of meanness. One is a money meanness, the other is a character meanness.

There are men very generous with their money, who are as stingy with reputation as it is possible to be. Stop and think of this, and draw a line carefully between the man who makes friends to use and the man who makes friends from his very manhood, as a rich field grows a golden harvest.

As the mob passed up to "'49's" cabin, Mississip fell in and cheered it on. Now she would have her revenge ! Now that meddler would get his reward. She chuckled to herself as she thought of the gold, the rich mine which would be all Dosson's and hers, now that Emens was dead. Emens dead ! She wanted to hug the young man for killing him. But this young man must die, too. She would make a clean sweep of all. And if only that girl could be brought into it likewise ! How she hated her ! This girl was growing more beautiful every day. She was more beautiful than Belle, and she hated her as never before.

The mob laid down the dead man at the door, and fell back a little, in conference. Then it was that the strongest and boldest minds in that rude assembly came to the surface and stood at the head. They organized in one moment.

As young Devine had come again to the mouth of "'49's" tunnel, this living tomb, he perceived that the water was oozing, spouting, and bursting, and that the mass of earth was moving. It was perilous to approach alone, so he turned and hastened back for help. As he approached the cabin he found himself a prisoner.

A tall, bearded man lifted his slouch hat, and said to Devine :

"You are accused of murdering this man. You are to be tried for your life ; tried now. This is our witness," pointing to the dead. "Where is yours?"

CHAPTER XIV.

OUT OF THE DARKNESS.

A little bird flew quickly out,
And, singing, circled sharp about,
Then back, deep hiding in its tree ;
And there, as if the whole world heard,
The sweet-voiced, fluttered little bird
Began its morning minstrelsy.

FIRE is not nearly so terrible an element for good or ill as water. This every old miner knows too well. The pent-up water drives everything before it. Let it once accumulate its forces and even the mountain must yield.

When the flood in "'49's" tunnel had reached the girl's neck, and while she was bravely holding up her old friend to the last, she suddenly felt the waters begin to recede. Then there was a burst as of thunder, and, like an outgoing tide, the flood turned, and the two, with prayers of gratitude too deep and holy for words, rose up and groped their way to the blessed light, the birds, the flowers, the far, fair sky—God.

"'49" still held in his hand one little fragment of quartz as they slowly staggered on toward the cabin, dripping and drying in the hot overhanging sun. He lifted it up, looked at it long and eagerly. Then, with a deep sigh, he threw it away. No sign of gold yet. He must still wait a while before he takes his boy to his heart.

Busy with his own plans for discovering and saving

his heiress, and knowing he would be detained an indefinite time at Sierra, the shrewd old lawyer, Snowe, after the trial of "'49," had left Charley to his own pursuits, and had sent for the youth's mother to come to Sierra that evening. It was now clear to the Vigilantes that he was indeed a lawyer, so he was not permitted to appear for the young man or to say one word in his defence. He was allowed, however, to tell him that his mother was coming, and would soon be at his side.

When the chief of the Vigilantes had laid his hand on the young man's shoulder and told him he must be tried for murder, Devine did not speak. His face was lifted to the mountain before him. Far up beyond, and around the brow of a pine-topped peak, curved and corkscrewed the stage road. There was a cloud of dust dimly visible in the sunset. The stage was descending to the camp.

"Have you any witnesses?"

The young man started, then answered:

"Why, everybody knows I would not do this. There is my partner, "'49"; he has been with me all the time since I came here."

"Has he been with you to-day? Every minute?"

"Yes, every second!" shouted "'49," who was lost in bewilderment. "'49" was a hero—a man who could die for another. True, not of that loftiest race of heroes—men who deem a lie worse than death. Letting go the doorpost, and limping over to Charley, he said to himself, "You don't get anything against Charley out of me, Mr. Vigilantes. Not if I know myself, you don't! And I've been here since '49."

"Well, we seldom swear respectable men in our courts. But, as you are his partner, I think I will swear you. Take off your hat, and hold up your right hand. Now be sworn."

The old man took off his hat, held his two hands high in the air, and began, eagerly.

"Well, he stopped with me here all yesterday; he slept with me all last night; he has been with me all to-day. There!"

"But will you be sworn?"

"I've got nothing more to swear to. I didn't hear him say nothin' at all—not one word about killin' anybody."

"But will you be sworn?"

"I've got nothin' more to swear to, I tell you. I swore to everything I know."

"Will you be sworn?" repeated the Vigilante.

"Yes! He worked in the tunnel yesterday. He slept with me last night. He ate breakfast with me this mornin'. He has been with me all day to-day. There!"

"But will you swear to that? Can anybody swear to that?"

"If anybody swears to that will that save him?"

"Yes. If anybody can swear to that it will save him," was the solemn reply.

"Well, I can!" cried Carrots, eagerly; and lifting her face, with clasped hands, the girl cried: "By the good God, I swear Charley slept with '49' last night! He stayed with him yesterday. He has been with him all day, and—"

"Carrie! Carrie! it is not true! You will go to the bad world for this!" protested young Devine, in a hoarse whisper.

"Well, then, I dare to go to the bad world!" retorted the frenzied girl, as she sprang up and seized his hand and attempted to lead him back into the cabin away from the crowd.

"There ! That's all right ! It's all right now. I swore to all they wanted, I did," she cried.

But why detail the sad conclusion. From the first Devine was doomed.

It was of no avail. The man was sentenced to die.

As the Vigilantes stood with uncovered heads while the leader pronounced the ghastly death-sentence, Colonel Snow came up the trail, a lady on his arm. This lady was travel-worn and covered with dust. The Vigilantes, rough and immovable as they were, did not refuse to allow a lady to approach. They were silent and respectful as the woman entered their lines. Behind the colonel and lady lingered the old negro, with head as white as wool. The young man did not see the party. He was still looking the other way ; looking at the mountains ; looking for his mother—that mother who was to arrive but to kiss his lips ere they would be sealed in death.

Who has not seen a child waiting for mother to come ? Nothing but mother will satisfy it. All the gold, all the good things of earth—a king's praise, the smiles of a queen, diamonds, laces, and lands—all are as nothing compared to one word, one look from *her*—from mother ; and though plain, and haggard from toil, pale from hunger, weak and withered—God bless the mothers, every one !

But here was a man—a strong man—waiting for mother. He was sentenced to die. But somehow his old child-feeling came over him now. He wanted to see mother. He waited for mother ; he wanted only mother.

The old red-faced monster that hovered on the edge of the mob, inciting it, waiting for Dosson, wondering where he was all the time, expecting him every moment,

so that she might share the joy of revenge with him—this creature pushed her way up to the strangers, and, with grinning and leers, told them in brief, and after a barbarous fashion, the bitter and awful chronicle.

The distracted mother, with a wild shriek, caught her son in her arms. Then, as old "'49" shrunk back, helpless, half-crazed from the unendurable excitements and scenes of the day, the mother turned to the leader of the Vigilantes, who stood with his hat in his hand, his head bowed before her.

"It is my boy," began the woman, holding her darling's head to her breast, and then putting it back, kissing him, and looking him in the face. "It is—it is my boy, my Charley."

"Mother," gasped the youth, "you find me ashamed to lift my head. I tried to get on, mother. I did reform. I went to work; I worked night and day. Mother, I *did* reform; but all—all was against me!"

"Why did you do this thing?" said Snowe, bitterly, while "'49," from his retreat back on the edge of the mob, craned his neck, and listened as only such a sorrowing man could. He felt assured that his son had killed this man; and he felt, too, that the dead man deserved death.

"Why did you do this thing?" urged Snowe.

"I swear before Heaven I did not. I am as innocent as my dear mother here," replied Charley, his head proudly erect.

"I know you are innocent! I know you are innocent. You shall not swear to me that you are innocent. I *know* it. Lay your head on my breast and rest, my tired, heart-broken boy. They shall not touch you now—no more now! No more, no more, no more!" wailed the agonized mother.

"Oh, mother, I am so glad you have come ! But see ! What will they do with me ? Oh, mother, I have waited and waited for you ! But see ! They want me !" cried Devine.

"Nothing—nothing shall harm you. My boy, all will be well ! But now come away. You look so wretched ! You must have some clothes ; you must rest, and then you will tell me all about these great mountains, and we will go home together, and we will have a splendid time together, Charley."

"I tried to make money, mother, so as to come back to you, and take care of you," he said, tremblingly.

"Yes—yes ; come along, Charley, and never mind the money. Let us get out of these mountains, my dear, dear boy. Come along. Never mind. Leave everything. If I only have you, I am happy." And the poor mother tried to lead him away.

"He must remain," protested the captain, mildly.

The woman held her boy to her breast, and pressed his head down to her shoulder, and stroked his hair tenderly as she said :

"But, sir, you know he is my boy. He is my son—my only son. Why, sir, I have come all the way to California, and into these wild mountains, to find him, to see him, sir, and now—"

"But he is accused of crime ; and, madam, I am very sorry, but he must remain."

"But, sir—but, sir— Stand close to me, Charley, close to your mother, Charley— You know, sir, I forgive him. He may have been a little bit wild, sir, but he will not be so any more. I am his mother ; he is my son—my only child, sir. Oh, he is so good and so true ! He was always so kind to his mother ; you would have loved him for that, I know. Sir, do not keep us here.

You see he is so weak—he is hungry ; he is faint and famishing. Come, Charley, come ; come away.”

“ Madam, he cannot come.”

“ And why can he not come with his mother ?”

“ He is convicted of a crime, and must die.”

CHAPTER XV.

PURE GOLD.

What though on peril's front you stand?
What though through lone and lonely ways,
With dusty feet, with horny hand,
You toil unfriended all the days,
And die at last of man's dispraise?

Would you have chosen ease, and so
Have shunned the fight? God honored you
With trust of weighty work. And oh!
The Captain of the Heavens knew
His trusted soldier would prove true.

THE Vigilantes make short work of what they take in hand. A few hours for prayer, farewells, and that is all they allow to those whom they condemn to death.

Devine sat in the cabin alone, under sentence of death, while the guard at the door paraded solemnly up and down. The young man arose and walked to and fro, and muttered to himself:

"And so I must die! Oh, it is fearful, and I innocent—innocent! Poor mother! Poor, broken-hearted mother! That last farewell—it will kill her," and the wretched youth groaned in mental agony. "I am to be shot—shot to death at dawn, and these are my grave-clothes," said the man, bitterly, as he stood before the habiliments of death—a black cloak and hat.

The Vigilantes had again turned this old cabin into a prison. They had taken up the dead man's body from before the door, and laid it in a grave. They had, in-

deed, dug two graves—one for the dead, one for the living.

There was a parley at the cabin door, and then the old miner, "'49," bowed, trembling, crushed, came tottering in.

"My boy, my poor lone boy," he began; "you must not die now. We will strike it in the tunnel. Gold! gold! Heaps of gold! Enough for your poor mother! Enough for us all! Enough for the world!"

"Poor old man!" thought Charley, tears in his eyes. "I knew that that tunnel would turn his head at last. When I am laid below the sod, he, the last of the grand old men of the Sierras, will wander about the land, a tramp, a homeless, helpless old man, still talking of that tunnel."

"If anything happens to me, and if you—if you do get out of this, promise me that you will go back to the tunnel once more," pleaded the old man. "Promise me that you will go back there yourself, though it be years and years. For there, in the right-hand corner—in the right-hand corner of the tunnel—"

"Please, my dear old partner, be calm," gently interposed Devine. "My dear old friend, this trouble has shaken your mind. But be calm, in these my last moments. To-morrow—to-morrow you can talk of your tunnel. Ah! as the old song ran, 'We will all reform to-morrow!'" Then he said to himself; "And where will I be to-morrow?"

"But," persisted "'49," "I tell you we will strike it! It's no time to die now."

He had not yet heard of the mass of gold discovered on his lode, only a few feet away from where his pick lay rusting in the tunnel. Who to tell him of it? Californians knew how to keep such secrets. If he had only known of it, how quickly he would have clasped wife

and boy to his bosom, and laughed at the claims of others to *his gold*.

But the boy was not thinking of gold. "And Carrie? Where is Carrie?" he said. "I am to die. I am to be shot to death at dawn. Why could she not have come to me? She, of *all*, to stay away at such a time as this."

A sob close behind "'49," and he folded the loving girl in his arms.

"I gathered them in the dark, and in the moonlight on the mountain," sobbed the poor child, handing him a heap of flowers. "I thought you would like to have some, you, who love flowers so. Why, you look awful nice, don't you? But I wouldn't have put them on; I should have died ragged and wretched, like—like your poor, ragged, wretched, little Carrie."

Taking her apron from her eyes, she saw the black cloak and hat.

"Why, what are these for?" she cried.

"To die in," answered the young man, bitterly.

"To die in? Oh, here in these pure white mountains, what is so hard as man?" and she bowed her head and wept bitterly.

It was already growing gray in the east. The hour of execution had come. There was a trampling of feet and a sound of voices at the door. Then some men with guns entered, one of whom informed the prisoner that his last hour had arrived. The leader of the party turned to the girl and said:

"You must come away. We are ordered to bring you away at once. I will allow you one minute only."

The girl still refused to go. She threw herself into the young man's arms, and, in a whirlwind of grief, shrieked: "You shall not die! '49,' save him! Save him! I will not go if you do not promise to save him!

Promise me ! Say you will save him ! Say you will—you will. Say you will save him or die !”

A moment's pause.

“ I—I—I will save him—or die !” said the old man, solemnly.

“ You have promised.”

“ I have promised,” the words coming slowly and solemnly as the sound of a death-bell.

“ You will keep that promise ?”

“ I will keep that promise.”

“ Come, come,” urged the guard, dragging her away.

“ Ah, my dear old partner ! Think no more about the promise,” cried Devine. “ You are absolved from a promise made as that was made.”

“ If ever you do get out of this, go back to the tunnel ; in the right-hand corner of the main drift—”

“ My dear old friend, forget that tunnel for a moment. Do you know that I am to die in less than half an hour ? Let us talk a little of the better world, for I am now done—utterly done—with this—”

“ But there, in the right-hand corner—”

Young Devine took the old man's hand tenderly as he sat on the edge of the bed, and, looking in his face, said : “ My friend, stand by my side but a few moments more. I feel the sands crumbling from under my feet as I walk by the ocean of eternity. No—no, my friend, do not feel so sadly, do not weep. 'Tis but a puff of smoke, and all is over. The sun will rise to-morrow just the same. The world will take its daily round of rest or strife, just as before. But I—but I will take no part or place in anything that is. For I—I shall rest—rest—rest.”

“ Oh, that I could die for you ! You ! So young ! So full of life, and health, and heart, and hope,” groaned “ '49.”

“No ; consider what I shall escape. I shall escape all the ills and heartaches that lie between this and old age. And it will not be long before you all will follow me. In a little time, one by one, you will seek some quiet resting-place where other poor weary mortals rest ; and there, grouped together on some hill-top, you will rest, caravans of the dead, waiting the great awakening. See, my old friend, we are all—all under a sentence of death. I am to be shot at daylight ; you have a few days of reprieve.”

The old man began once more. “But it is hard to have to die now when we must strike it. In the furthest right-hand corner of the tunnel, Charley—”

“Poor ‘ ’49 ’ !” cried Charley. “Twenty-five years of disappointment, and then this trouble ! His head is turned utterly. When I am dead, he will wander around California, talking of his tunnel. They will set dogs on him—the new, rich people. They will set dogs on this grand old relic of ‘49. But it won’t last long.”

Notwithstanding all the bloodthirstiness and brutality of the Vigilantes—for I am not one of those who deify mobs under this name or any other—they displayed a sort of dignity and decorum in all that they did. They invariably required a man’s real name. They were savagely in earnest. They always wanted to hang a man under his real name. They had asked for and had the name of this young man, Charles Devine. They had written it down, and when the guard came to take him to the place of execution, the captain took the book from his belt, opened it, held it up and out toward the eastern gray dawn, and, with some effort, read softly a name. Then arranging his men on either side of the open cabin door, he again slowly read the name. It looked as if this officer was glad of any excuse for delay. He stood wait-

ing the full dawn now. He waited so long at the door that the young man lay down to rest and meditate on the bunk back in the corner. Soon all was still.

At last he peered in at the door which he had pushed open. It was still very dark inside. He saw a figure standing ready. It was muffled in the black cloak, with a black hat drawn low over the face.

The little calico curtains back in the corner were closed. The dog had been taken away by the Vigilantes, for fear, at the last moment, he might put in some sort of protest, and there was nothing to be seen in the dark little cabin save this one silent figure standing there ready.

“Charles Devine !”

“Here !”

And with a firm step the muffled figure marched forth, took its place between the lines of Vigilantes, and in the dim dawn moved hastily and silently away to the place of execution.

* * * * *

A fresh-dug grave among the green pines on the hillside. A rude coffin beside the grave. The crowd is held back, and will be held back by the Vigilantes till all is over. Then they may come, or pass by and look upon the dead man's face. The shrill, harsh voice of that monstrous woman, Mississip, can be heard, now and then, in the gray dawn, calling for Dosson. Her laugh—that wicked laugh of hers, as she gloats over her revenge—can be heard, and she talks to the mob that is waiting for the crack of the rifles before they can pass the guard to see the dead man in the coffin. The far peaks are tipped with gold. It is dawn in the valley, and yet not daylight. There is light, but it is as if a sheet of silver shone in your eyes. Nature is not yet wide awake.

The guard enter the clearing, a man in black between

them. The man falls on his knees by the coffin. Then he rises up, takes a seat on the coffin, folds his arms above his heart, and signals that he is ready to die.

A line of men armed with rifles is drawn up before him. The captain of the Vigilantes stands at the head of the line. There is not even the chirp of a bird. It is something like that fearful silence that precedes earthquakes.

At last the captain takes out the book, and reads the sentence and the name. Then arranging his men in line he steps back and says :

“ Gentlemen of the Vigilantes, you are now to enforce the sentence of death. You will aim directly at the heart. All of your guns are loaded except one. One only is not loaded with ball ; but no man knows which one that is. You will make ready !”

All these executioners are in black masks. All are silent as death. The captain turns to the prisoner :

“ Charles Devine, you were arrested for murder, convicted of murder, and are now about to die for that crime. Invoke your God.”

The man on the coffin only bows his head.

“ Make ready, men !”

The men lift their guns, and there is an ominous and terror-striking click.

“ Blindfold the prisoner !”

A man advances with a handkerchief, and bending over the prisoner a second, he springs back, exclaiming :

“ It is not Charles Devine !”

“ Not Charles Devine ?”

“ No. It is ‘ ’49 ’ !”

The man on the coffin struggles to his feet, and cries :

“ It *is* Charles Devine ! I tell you it is Charles Devine ! Fire ! I tell you I am Charles Devine ! I’ve been here since ’49, and I guess I ought to know. Fire.”

CHAPTER XVI.

THE HEIRESS.

The Past has gone as the Present will go,
And the Future we know not of ;
But ever the Present seems filled with woe,
And ever the Past with love.

THE captain of the Vigilantes was sadly troubled. He at first rejoiced at what had happened. But then the big, weighty word "duty" was there confronting him.

"Bring the real prisoner here at once to execution!" he gloomily said.

The guard hastened to obey.

They found the young man sleeping like a babe, as if no trouble had ever come to him. He did not know what had happened, but rose up and went with the guard to death, as if they had now come for him for the first time.

Colonel Billy had been forgotten. And what was there about him worth remembering?

The rougher element of the camp had missed their leader, and they kept wondering what had become of Dosson. Had he fled for fear that this desperate stranger would murder him, too?

Let us return to the bar-room, where Colonel Billy had "set up" the drinks.

The barkeeper, like all good barkeepers, had kept bravely at his post. In the mines the saloon is the wheel-house—the barkeeper is the captain at the wheel.

Just before dawn this barkeeper was startled from his sleep between two blankets behind the counter by cries that came from the dark among the barrels.

"Oh, oh, oh, such a dream! Oh, my head! my head! my head! Oh, such a dream!"

The barkeeper sprang up, and holding a candle under the red nose of the man, as he tried to raise himself between the barrels, shook him by the shoulder till the old teeth rattled in their gums.

"Billy, Billy, Billy! You old idiot."

"Oh, such a bloody dream! Dosson shoots Emens, gits the gold, scoots across, hides in the old tunnel, and I gits a nugget with blood on it, and—"

"Dosson shoots Emens! Get up, you fool! A man will be shot for your drunkenness! Get up, or I'll brain you with the candlestick."

The barkeeper loved Belle. Therefore, if for no other reason, he hated Dosson to the death. He poured a pint of rum down the hoarse, raw throat of Colonel Billy, and throwing on his clothes, and clutching two pistols, he dragged the colonel after him. There was no time to be lost—the bar, for once, must take care of itself.

In a few moments they reached the mouth of the old abandoned tunnel. All was dark and silent. But by the dim dawn they could see broken weeds underfoot. Some one had entered it. Old Colonel Billy was made wide awake by the rum, and now, comprehending the situation, proved invaluable.

The pair entered the tunnel, one holding a candle, the other two cocked pistols. This was a dangerous and a stupid thing to do. They should have laid siege at the mouth of the tunnel and waited. Yet now there was no time to wait.

Turning round a big boulder that lay near the

entrance, they beheld Dosson asleep against the granite wall. The man was helpless as the dead man he had left lying down yonder at the mouth of the tunnel.

The murderer opened his eyes. He looked into the ugly muzzles of two lifted pistols. He, even in his sleep, clutched and held a pistol, with its one empty chamber, as he waited for the last man to disappear from the trail before he ventured to escape.

But he had been overtaken by sleep. Now all was over. What a persistent and all-pursuing officer is sleep !

He begged for his life. He told of the gold. He would give them each one quarter, and they would be the richest men in the Sierras.

His captors shook their heads. He would give them two thirds—all !

The two men, at a run, marched this strong and desperate murderer between them toward the place of execution. With pointed pistols, they pushed in upon the Vigilantes just as young Devine was brought up from the cabin where he slept.

The Vigilantes were first awe-stricken, then furious.

Had not they themselves almost been murderers ? They now treated young Devine as tenderly as if he had been a child.

Against the red-handed ruffian now before them, their rage, though smothered, was fearful. As the captain pointed at the coffin, the open grave, Dosson's knees began to knock together. He saw a yawning grave waiting to receive him.

The Vigilantes exchanged glances. They understood each other's thoughts, and Dosson understood them, too. He took his place on the coffin. Clear, sharp, and deadly the rifles rang out.

The crowd now came pressing on—the distracted

mother to receive the dead body of her boy, the monster Mississip to look down upon his dead face and gloat over her revenge and the agony of the girl Carrots. This miserable creature came on ahead of all. But the captain, in mercy, turned her aside.

Once more the loving mother held Charley, her boy, to her heart. Every man uncovered his head. Some turned aside, and pretended that the new-risen sun hurt their old eyes, causing them to water.

Old "'49," wild and half crazed, suddenly shrieked :
" I tell you, we have struck it ! "

Old Colonel Billy had elbowed his way to the old man, and had forced a gleaming piece of gold in his hand, whispering the truth in his ear.

" Heaps of gold ! " said "'49." " Ha, ha ! Gold enough to pave the streets of a city ! See there—and there—and there ! Tons of it ! Ha, ha ! Tons of it as rich as that ! What did I tell you ? I knew it was there—I knew it was there for twenty-five years ! And now "'49' is a millionaire, and them two burglars that were breaking into his mine are dead—dead, as they deserved ! And you, Charley, my boy, you are my pard. Tons of it—tons of it, just like that ! " shouted "'49."

All at once the old man seemed to begin to grow calm and to understand. He passed his hand across his brow, and seemed to see a new light. He approached close to his son and looked strangely into his face. Suddenly his eyes brightened with intelligence and love. Leaning forward and grasping a hand of the son and the mother in his, he sang, in a wild, strange, and far-away voice :

" Then sing the song we loved, love,
When all life seemed one song ;
For life is none too long, love,
Ah, love is none too long."

"I am your father," he cried to the youth. "I am your husband!" he cried to the tearful woman. "Come!"

Of a verity, the new-risen sun or something was hurting the eyes of the Vigilantes as the crowd moved away down the hill toward the tavern, for they drew their sleeves across their eyes, and blinked and stumbled as they walked.

Belle came curiously along, and stood in the crowd that lingered at the cabin door. She and Carrie both seemed frightened and out of place.

Charley felt a little hand pulling at his sleeve, and he heard a little timid voice say, "Good-by, Charley."

"What do you say, Carrie?" and he turned to the child.

"I am so glad you are rich. And dear, good old '49,' too. You are both all right now," and she turned to go. "And so, good-by! good-by!" But her heart was breaking.

"Good-by, '49'—father! Good-by! I am as glad—yes, I am as glad that you have struck it at last as if I had found a new flower. Good-by! good-by!"

"Why, Carrie! Carrie! where are you going?" asked Charley.

"I'm going away—I'm going far away."

"What are you talking of? You are not going away now. Why, if you leave me, there will be no sunlight in the mountains any more," he said.

"I'm afraid of your mother, and him, that crabbed old lawyer, and all of them. Then what can I be to you now?"

"You can be my wife? you, Carrie—you, and you only."

"Struck it! Struck it, Charley! You have struck pure gold!" says old "'49," cheerily.

“ Ah ! that I have, father.”

The mother took the sun-browned little waif of the mountains tenderly by the hand. But the girl, realizing the gulf that yawned between them, was again turning away.

“ Stay yet one moment,” said the lawyer ; “ *your* work may be done, but my work is only now begun. The heiress ? Charley, you must assist me here.”

“ Well, there’s little to be said or done. *There* is your heiress,” and he pointed to Belle.

“ True, sir, true. Yet I must now prove to myself, to the law, to the world, that this is really she. Call black Sam ; let him approach slowly, and sing his old plantation songs. Sir, I never made a mistake or lost a case. Come here,” added the lawyer to Belle. “ Please stand here. Now you shall hear a little song—a sweet melody, that will remind you of other days.”

Sam leaned forward on the edge of the crowd, tapped his foot on the ground, slapped his hand on his knee, and sang in a low, sweet voice :

“ Oh, hallelujalem ! Oh, hallelujalem !
Oh, honey, won’t you come,
Oh, honey, won’t you come,
To de bussom ob de Lord ?
When de world’s all on fire,
When de world’s all on fire,
To de bussom ob de Lord ? ”

Carrie stood at one side with Charley. As the old black man’s song began, she started, listened, stepped forward, and was in an ecstasy of quiet delight.

Belle remained by Snowe.

“ She doesn’t notice it yet, but I never made a mistake,” said the old lawyer, rubbing his hands. “ Sam,” he added, “ come a little nearer, where you can see her

—there ! Look at her. And now you shall sing the other cradle-song—the song you sang together when she was a child.”

“ All right, massa,” said Sam ; “ here I is ; but I don’t like dose eyes. Can’t help it, massa ; but I don’t like dose eyes ! ”

“ Shut up this instant. I tell you it is she. It is—it’s got to be ! Now, my little lady,” said Snowe to Belle, “ listen. We are going to have a little song that you will like, I know—that you will like and remember.”

Then, turning to the spectators, who held their breath in expectation :

“ Take notice, every one of you. You shall all see. Now, Sam, the other little song.”

Sam sang a line or two, and then paused.

“ You do—you do like it ? You do—you do remember it, don’t you ? ” cried Snowe, eagerly, to Belle.

“ No, I don’t. I don’t remember it at all, and I don’t like it a bit,” was the sad girl’s reply. Her once proud head was held low and abashed, and she could take little interest even in things of the greatest concern now. She had really loved Gully. But he had not only been expelled from the Order of Vigilantes, but had been banished forever.

Again Sam sang, and Carrie leaned forward and looked in his face, still keeping a little distance off.

“ That voice—that dusky face ! It is—it is the dream of the desert ! ” cried she, clapping her hands.

Sam stopped, looked around, and began another stanza. Carrie came nearer. Sam stopped. Carrie took up the song, and sang a stanza. She joined in and began to sing. They approached, singing together, and as the song ended she sprang into his arms.

“My chile—my chile ! Dis is de chile—dis is de chile !”

Then he tore away her sleeve, and pointed to the scar on her arm.

“Dar—dar ! Dat is de Mormon’s bullet-mark !”

“Eureka ! Found—found !” shouted the old lawyer.

“I have found my heiress ! I told you so ! I never made a mistake, and I never lost a case ! This is the heiress, at last !” and he triumphantly took Carrie by the hand.

“And am I really somebody in particular ?” asked Carrie, in wonder.

“You are what you have always been—a little princess in disguise,” said Charley, tenderly.

* * * * *

In the background, in the dusk of life, as it were, silent, grateful, stood an old man, a subject of awe and reverence. The woman he left leaning on the mantelpiece, thousands of miles away, is now, in the dusk of life, leaning lovingly on his arm. It is as a new marriage covenant—the eternal peaks of the Sierras are the great high priests in their robes of white at God’s altar.

And strange, pitiful, piping old Colonel Billy is so alone now. His “pardner” is going away. He sees him already in some great fashionable hotel far away, a tight collar on his great hairy neck, a breastplate of white starch on his bosom, and tight boots on his feet of freedom—splendor all about ; the little girl in high-heeled boots, silks, and a thousand pretty things to make her person lovely. He feels hurt, humbled ; for “’49” had once said, “We will go back together and buy the Astor House, Billy, bar and all ;” and now he has forgotten it. Colonel Billy coughs, spits cotton, looks at the woman on old “’49’s” arm, and feels jealous.

The old hero of the tunnel hears the comrade of his

early days, sees him spitting cotton, and comprehends. Laying his left hand on the shoulder of the "total wreck," he says, "Billy, you're in with us." Colonel Billy jerks off his hat, and then, as the occasion is opportune, proceeds to make a speech. And this is his speech :

"Boys, boys, we old fellers of the days of Forty-nine are about pegged out—not many more of us left—but when we're all dead, write this : They were rough, maybe ; but they did their level best."

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
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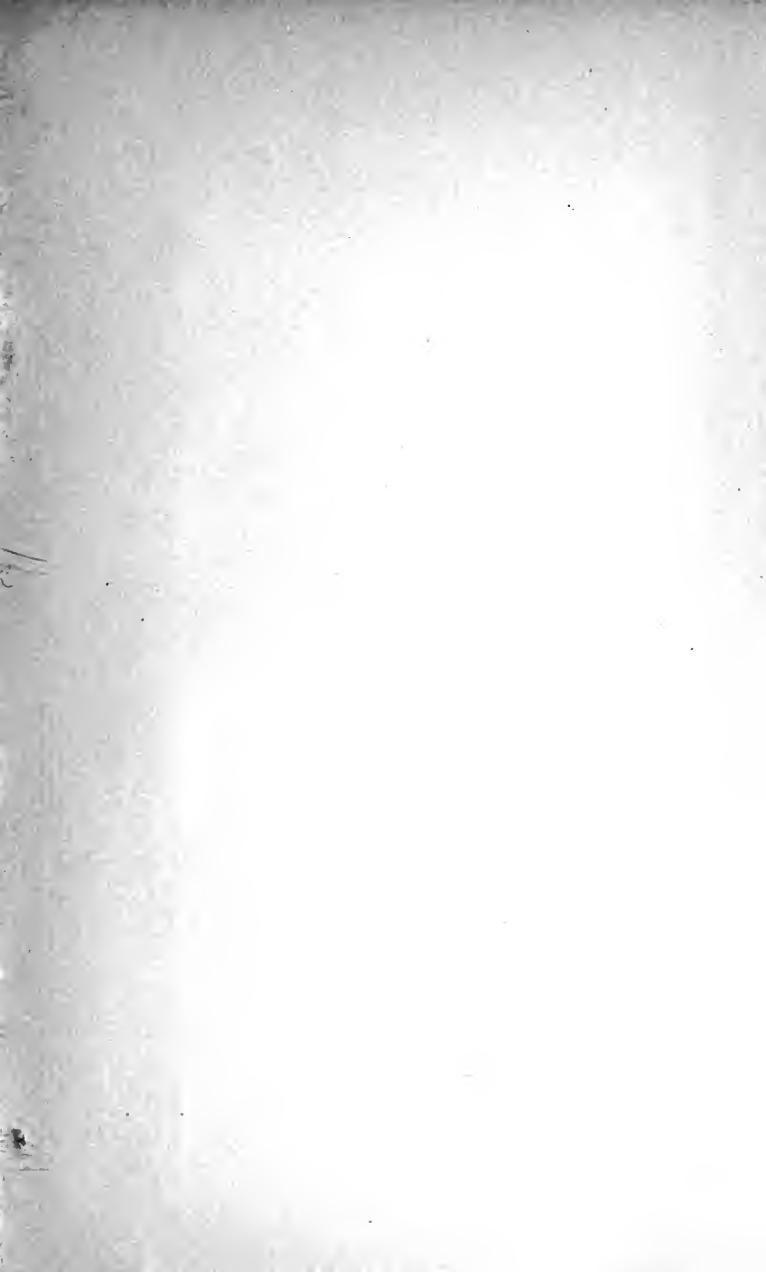
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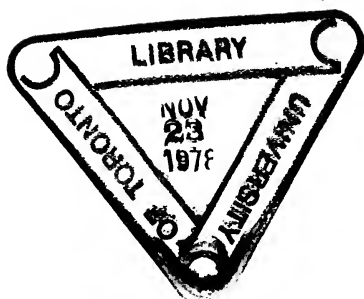
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